

COUNTY OF LAKE
GUENOC VALLEY MIXED USE PLANNED DEVELOPMENT PROJECT
LOTUSLAND LAND INVESTMENT HOLDING, INC

DRAFT CONDITIONS OF APPROVAL

There is hereby granted to Lotusland Land Investment Holding, Inc, Subdivisions SD 18-01 & SD 20-01 and Major Use Permits UP 18-49 and UP 20-02 to allow a Mixed Use Planned Development Project comprised of 49 assessor parcels (69 legal parcels), further described as assessor parcel numbers 014-430-13;-12 and Middletown Housing Site located at 21000 Santa Clara Avenue in Middletown, further described as assessor parcel number 014-380-09, subject to the following terms and conditions.

General Conditions

1. The use hereby permitted shall substantially conform to the ***Project Submittal and Application Packet, Site Plans and all requirements in the Final Environmental Impact Report (EIR)*** and any conditions of approval imposed by the review authority to allow the Guenoc Valley Mixed Use Planned Development Project. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts.
2. 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.
3. The permit holder is responsible for ensuring that all project workers are informed of understand and agree to abide by the approved plans and project conditions.
4. **Prior to construction**, the applicant shall submit and obtain the necessary Building Permits from the Community Development Department to develop the resort. Once a complete Building Permit Application Packet has been submitted, the Planning Department would perform a Zoning Clearance (ZC) to ensure the proposed use has met all necessary regulations, adheres to the approved project and conducting the necessary site inspections.
5. All construction documents shall be reviewed and approved by a California-Licensed Professional Civil Engineer or Architect, and be constructed to pertinent code-compliant specifications, subject to review and approval of the Community Development Department.
6. The permit holder shall comply and maintain necessary permits from the Lake County Environmental Health Department regarding the California Retail Food Code and Health

and Safety Regulations. The applicant shall contact the Department of Environmental Health at (707) 263-1163 for further information.

7. **Prior to operation of any food facility**, the permit holder shall submit three (3) sets of complete and supporting documents to the Department of Environmental Health for review and approval, including maintaining the necessary permits. The permit holder shall submit a copy of said permit to the Community Development Department within thirty (30) days of obtaining such permit.
8. **Prior to occupancy**, all structure(s) shall meet accessibility standards. Please contact the Community Development Department - Building Division for more information.
9. **Prior to occupancy**, all accessible compliant parking areas, routes of travel, building access and/or bathrooms shall meet all California Building Code Requirements.
10. **Prior to occupancy**, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.
11. **Prior to building permit final**, the permit holder shall adhere to all requirements of Chapter 13 of the Lake County Code, including but not limited to adherence with the Hazardous Vegetation requirements.
12. The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place or harborage for pest.
13. Any outdoor storage shall be maintained in an orderly manner and shall not create a fire, safety, health, and/or sanitary hazard.
14. **This use permit approval shall not become effective, operative, vested or final until** the applicant submits the applicable California Department of Fish & Wildlife filing fees 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 EIR.
15. In cases of conflict between permit terms and measures presented herein, those permit terms and conditions shall supersede those presented within this EIR.
16. Setbacks are incorporated into the Design Guidelines and shall be administered. The County will review compliance **prior to issuance of building permits**.
17. The applicant shall include all of these requirements in construction contracts.
18. **This use permit approval shall not become effective, operative, vested or final until** the applicant submits the applicable California Department of Fish & Wildlife filing fees 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 EIR.

19. In cases of conflict between permit terms and measures presented herein, those permit terms and conditions shall supersede those presented within this EIR.
20. The project shall comply with Section 41.7 of the Lake County Zoning Ordinance that 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.
21. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state and federal regulations.
22. 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.
23. 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.
24. If the operation includes 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.
25. 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 the creek; vehicles and equipment shall receive proper and timely maintenance.
26. 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.

27. Vehicles and equipment shall be maintained and operated in a manner to prevent hot surfaces, sparks or any other heat sources from igniting grasses, brush or other highly combustible material.
28. Hazardous waste (including industrial waste) must be handled according to all Hazardous Waste Control and Generator regulations. Waste shall not be disposed of on-site without review or permits from EHD, 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. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.
29. Industrial Wastewater or any other classification of waste shall not be disposed on-site without review or permits from the Environmental Health Division, the Regional Water Quality Control Board and/or the Air Quality Board.
30. 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 materials.
31. Any waste detrimental to a public sewer system and/or a sewage treatment plant, shall not be discharged into a public sewer system unless they have been pretreated to the degree required Lake County Special Districts. The permit holder may contact the Lake County Special District at (707) 263-0119 for specifics.
32. All employees and/or staff member shall be properly be trained in and wear Personnel Protective Equipment in accordance with all Federal, State and local regulations regarding handling any Biological and Chemical agents.

Hydrology & Water Quality

33. **Prior to any grading activities and/or road building**, the permit holder shall submit and obtain a Grading Permit from the Community Development Department.
34. 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. Issuance of an initial Grading Permit for temporary Mass Grading activities only, and not for the construction of permanent structures or hardscape surfaces, may omit measures for post-construction BMP and defer the final design and implementation of such measures to subsequent Grading or Building Permits that include final structures or

surfaces. All Mass Grading activities must, however, be accompanied by temporary erosion and sediment control measures included in the approved project SWPPP.

35. A financial contribution to the Department of Public Works Road Division shall be paid for impacts to the segment of Butts Canyon Road and the beginning of this subdivision. Alternatively, the developer may provide alternate mitigation for impacts to this segment of road with an asphalt overlay, following all necessary preparation work (digouts, patching, etc.).
36. **Prior to the issuance of building permits**, the permit holder shall obtain all necessary encroachment permits from the Department of Public Works and/or Caltrans regarding road improvements, development, and/or any work within a right-of-way. The applicant shall submit a copy of said permit to the Community Development Department within thirty (30) days of obtaining such permit.
37. Any new fill related to road construction shall be compacted consistent with the requirements of the Department of Public Works, or the project's Geotechnical Engineering recommendations, whichever is more stringent. The source of any new fill shall be from a location consistent with the requirements of the Zoning Ordinance.
38. Devices which generate electromagnetic interference shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Public utilities shall comply with all applicable state and federal regulations
39. Setbacks are incorporated into the Design Guidelines and shall be administered. The County will review compliance **prior to issuance of building permits**. The applicant shall include all of these requirements in construction contracts.
40. The project shall comply with Section 41.7 of the Lake County Zoning Ordinance that 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.
41. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state and federal regulations.
42. 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.

43. 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.
44. If the operation includes 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.
45. 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 the creek; vehicles and equipment shall receive proper and timely maintenance.
46. 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.
47. Vehicles and equipment shall be maintained and operated in a manner to prevent hot surfaces, sparks or any other heat sources from igniting grasses, brush or other highly combustible material.
48. Hazardous waste (including industrial waste) must be handled according to all Hazardous Waste Control and Generator regulations. Waste shall not be disposed of on-site without review or permits from EHD, 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. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.
49. Industrial Wastewater or any other classification of waste shall not be disposed on-site without review or permits from the Environmental Health Division, the Regional Water Quality Control Board and/or the Air Quality Board.
50. 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 materials.
51. Any waste detrimental to a public sewer system and/or a sewage treatment plant, shall not be discharged into a public sewer system unless they have been pretreated to the

degree required Lake County Special Districts. The permit holder may contact the Lake County Special District at (707) 263-0119 for specifics.

52. All employees and/or staff member shall be properly be trained in and wear Personnel Protective Equipment in accordance with all Federal, State and local regulations regarding handling any Biological and Chemical agents.
53. 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.
54. 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.
55. **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.
56. **Prior to building permit final**, the permit holder shall submit a summary response in writing establishing compliance with the approved conditions of approval, including dates of compliance and referencing documents and/or other evidence of compliance to the Community Development Department for review and approval, including scheduling an inspection with the Community Development Department to ensure all conditions of approval have been met.
57. 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.

Utilities

58. Devices which generate electromagnetic interference shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Public utilities shall comply with all applicable state and federal regulations.

Mitigation Monitoring & Expiration

59. 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.
60. 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.

61. **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.
62. **Prior to building permit final**, the permit holder shall submit a summary response in writing establishing compliance with the approved conditions of approval, including dates of compliance and referencing documents and/or other evidence of compliance to the Community Development Department for review and approval, including scheduling an inspection with the Community Development Department to ensure all conditions of approval have been met.
63. 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.

Tentative Map Conditions for Guenoc Valley Phase I (SD 18-01)

General Conditions

Use Permit (UP 20-02) Conditions – Santa Clara Site

General Conditions

1. 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.
2. The permit holder is responsible for insuring that all project workers are informed of understand, and agree to abide by the approved plans and project conditions.
3. Prior to construction, the applicant shall submit and obtain the necessary Building Permits from the Community Development Department to develop the resort. Once a complete Building Permit Application Packet has been submitted, the Planning Department would perform a Zoning Clearance (ZC) to ensure the proposed use has met all necessary regulations, adheres to the approved project and conducting the necessary site inspections.
4. All construction shall be reviewed and approved by a California-Licensed Professional Civil Engineer or Architect, and be constructed to those specifications, subject to review and approval of the Community Development Department.
5. The permit holder shall comply, and maintain necessary permits from the Lake County Environmental Health Department regarding the California Retail Food Code and Health

and Safety Regulations. The applicant shall contact the Department of Environmental Health at (707) 263-1163 for further information.

6. **Prior to operation of any food facility**, the permit holder shall submit three (3) sets of complete and supporting documents to the Department of Environmental Health for review and approval, including maintaining the necessary permits. The permit holder shall submit a copy of said permit to the Community Development Department within thirty (30) days of obtaining such permit.
7. **Prior to occupancy**, all structure(s) shall meet accessibility standards. Please contact the Community Development Department - Building Division for more information.
8. **Prior to occupancy**, all accessible compliant parking areas, routes of travel, building access and/or bathrooms shall meet all California Building Code Requirements.
9. **Prior to occupancy**, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.
10. **Prior to building permit final**, the permit holder shall adhere to all requirements of Chapter 13 of the Lake County Code, including but not limited to adherence with the Hazardous Vegetation requirements.
11. The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place or harborage for pest.
12. Any outdoor storage shall be maintained in an orderly manner and shall not create a fire, safety, health and/or sanitary hazard.

Tentative Subdivision Map

1. Centerline well monuments shall be set at all road intersections and at the beginning and ending of all public roadway curves. All other subdivision boundary, lot corner and right-of-way points shall be monumented, consistent with Section 17-29 of the Lake County Subdivision Ordinance, and subject to approval by the County Surveyor.
2. All existing and proposed easements shall be shown and clearly labeled on final maps, 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. Public utility easements shall be dedicated to encompass any electrical and/or communication facilities that do not lie within existing easements.
3. A final parcel 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.
4. The configuration of final maps 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.

5. **Prior to recordation of final maps**, all taxes due shall be paid, and all estimated taxes for the subject property shall be pre-paid to the County Tax Collector.
6. The subdivision shall comply with all requirements of the Lake County Subdivision Ordinance and the State Subdivision Map Act.
7. This tentative parcel map shall be null and void if not recorded by the time specified in the Development Agreement.

Easements and Deed Restrictions

1. Easements for fire breaks, wildlife corridors, open spaces, etc., will be created and shown on the final map or will be described and recorded by separate document concurrently with the final map. Deed restrictions on residential parcels will either be described and recorded by separate document or contained within the recorded CC&R's, which will be recorded concurrently with the final map.
2. Preservation of sensitive habitat for the purposes of mitigation that occurs within deed-restricted open space shall be identified within the deed restriction and shall prohibit the development of that area identified for preservation. Preservation within deed restrictions shall be preserved in perpetuity as a condition of the deed.
3. All building envelopes, setbacks, and riparian areas shall be shown on a separate map sheet and recorded concurrently with the Final Map. Deed restrictions shall be recorded for areas outside of building envelopes.
4. Drainage easements shall be shown on the final maps and offered for dedication. Maintenance of the drainage facilities shall be covered under CC&Rs or other acceptable agreement.

Improvement Plans

These provisions shall be incorporated into the Improvement Plans for the subdivisions:

1. Prior to any development and/or building permit submittal, Engineered Drainage Plans and Calculations, including an Operation and Maintenance Plan for proposed post-construction stormwater BMPs shall be submitted to the Lake County Water Resources Department for review and approval. The installed BMPs shall be maintained for the life of the project.
2. All new construction 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 and Clear Lake. Typical BMPs include scheduling of activities, temporary erosion and sediment control, operation and maintenance procedures and other measures in accordance with Chapter 29 and 30 of the Lake County Code. The applicant shall contact the Water Resource Department at

(707) 263-2344 for further details.

3. Prior to recordation of the final maps, provisions for post construction Best Management Practices maintenance shall be addressed through CC&Rs or other appropriate mechanism for the subdivision. An operation and maintenance plan for the post construction Best Management Practices shall be approved by the Water Resources Division of the Department of Public Works.
4. For improvements that are within public right-of-way, Improvement plans and a cost estimate prepared by a Registered Civil Engineer shall be submitted to the Department of Public Works. Improvements shall be installed as shown on the approved improvement plans. The subdivider shall submit a stipulated deposit of 2% of the engineers cost estimates to the Department of Public Works prior to plan review.
5. Prior to the recordation of the final maps, the subdivider shall submit plans for the location of common postal facilities to the Middletown Postmaster and Department of Public Works for approval, prior to installation. Any additional right-of-way necessary for the postal facilities shall be irrevocably offered for dedication to the County.
6. **Prior to recordation of the final maps**, the interior roads shall be designed and constructed in accordance with the standards compiled and stated within the project's Development Agreement, which references Lake County Road, CalFire and AASHTO standards. Any revisions of these standards will require approval from the Department of Public Works through alternative design standards or a "deviation".
7. The entire road network within the Guenoc Valley shall be irrevocably offered for dedication on the final maps as a public roadway and public utility easement. All roadways shall be named, subject to the approval of the County Surveyor. The roadway and utility easements to remain private to the subdivision will be delineated on the final maps and addressed through the offers of dedications.
8. Any cuts and fills necessary for the construction of the publicly-dedicated roadways that lie outside the rights-of-way provided shall be offered for dedication as slope easements.

Fees

1. **Prior to recordation of final maps**, the permit holder shall pay all Improvement Fees. For further information, please contact the Lake County Public Services at (707) 262-1618.