

APPENDIX B



Appendix B Conditions of Approval PA24-0009

1 RANCH PLAN REGULATION COMPLIANCE MATRIX PA24-0009

The applicant shall comply with all applicable requirements of the Ranch Plan Regulation Compliance Matrix: to the satisfaction of the appropriate decision maker listed in each applicable Regulation Compliance Matrix item. The applicable requirements are listed below and attached as Appendix C:

a. Prior to Issuance of Grading Permits

521: EIR 589 Standard Condition 4.4-1 (G01) – Geotechnical report
522: EIR 589 Standard Condition 4.4-2 (G02) – Conformance with TT Map
523: EIR 589 Standard Condition 4.4-2 (G02) – Revised TT Map (if necessary)
524: EIR 589 Standard Condition 4.4-3 (G04) – Off-site Letter of Consent (if necessary)
525: EIR 589 Standard Condition 4.4-4 (G09) – Consistency with Planning Approval
527 & 527.1: EIR 589 Standard Condition 4.5-1 (D01a) – Drainage Study
528 & 528.1: EIR 589 Standard Condition 4.5-2 (D02a) – Drainage Improvements
530 & 530.1: EIR 589 Standard Condition 4.5-3 (D02b) – Drainage Improvements
537 & 537.1: EIR 589 St. Cond. 4.5-8 (WQ01) – Water Quality Management Plan (WQMP)
538: EIR 589 St. Cond. 4.5-8 (WQ03) – Water Quality Management Plan (WQMP)
540: EIR 589 St. Cond. 4.5-10 (WQ04) – Stormwater Pollution Prevention (SWPPP)
541: EIR 589 St. Cond. 4.5-11 (WQ05) – Erosion and Sediment Control Plan
548: EIR 589 Standard Condition 4.6-6 (T07) – Sight Distance
555, 555.1 through 555.5: EIR 589 Standard Condition 4.7-1 – Fugitive Dust
556, 556.1, 556.2 & 556.3: EIR 589 Standard Condition 4.7-2 – Emission Control
557: EIR 589 Standard Condition 4.8-1 (N10) – Hours of Construction
558, 558.1, 558.2, 558.3 & 558.4: EIR 589 St. Condition. 4.8-2 (N10) – Construction Noise
559 & 559.1: EIR 589 Standard Condition 4.8-3 (N01) – Sound Attenuation
562: EIR 589 Standard Condition 4.8-6 (N08) – Noise Generating Equipment (Non-Residential)
567: EIR 589 Standard Condition 4.10-2 (LA02b) – Private Area Landscaping
571: EIR 589 Standard Condition 4.11-1 (A04) – Archaeology Grading Observation and Salvage
574: EIR 589 Standard Condition 4.11-2 (A07) – Paleontology Resource Surveillance
589: EIR 589 Standard Condition 4.14-2 – Hazardous Materials
616: Ranch Plan Fire Prot. Program Cond. 3.d. – Precise Fuel Modification Plan

b. Prior to Precise Fuel Modification Plans:

138: EIR 589 Mitigation Measure 4.9-27 – Invasive Plants and Fuel Modification

c. Prior to Issuance of Building Permit:

111: EIR 589 Mitigation Measure 4.7-3 – Use of Light-Colored Roof Materials
140: EIR 589 Mitigation Measure 4.9-28 – Open Space habitat, light shields
206: EIR 589 Mitigation Measure 4.15-5 – Capistrano Unified School District fees
526: EIR 589 Standard Condition 4.4-5 – Compliance with Code
537 & 537.1: EIR 589 St. Cond. 4.5-8 (WQ01) – Water Quality Management Plan (WQMP)
538: EIR 589 St. Cond. 4.5-8 (WQ03) – Water Quality Management Plan (WQMP)
540: EIR 589 St. Cond. 4.5-10 (WQ04) – Stormwater Pollution Prevention (SWPPP)
541: EIR 589 St. Cond. 4.5-11 (WQ05) – Erosion and Sediment Control Plan
547: EIR 589 Standard Condition 4.6-5 (T05) – Major Thoroughfare & Bridge Fees
550, 550.1, 550.2 & 550.4: EIR 589 Standard Condition 4.6-8 (T12) – Internal Circulation
559.2 & 559.3: EIR 589 Standard Condition 4.8-3 (N01) – Sound Attenuation
561 & 561.1: EIR 589 Standard Condition 4.8-5 (N02) – Non-Residential Development
562: EIR 589 Standard Condition 4.8-6 (N08) – Noise Generating Equipment (Non-Residential)
564 & 564.1: EIR 589 Standard Condition 4.10-1 (LA01b) – Public Area Landscaping
570: EIR 589 Standard Condition 4.10-3 (LG01) – Light and Glare
589: EIR 589 Standard Condition 4.14-2 – Hazardous Materials
617: Ranch Plan Fire Prot. Program Cond. 3.e. – Vegetation Clearance

d. Prior to Combustible Construction:

609: Ranch Plan Fire Prot. Program Cond. 2.d. – Emergency Access & Water Supply

e. During Construction:

197: EIR 589 Mitigation Measure 4.14-13 – ESA Remedial Measures

f. Prior to Certificates of Occupancy:

529: EIR 589 Standard Condition 4.5-2 (D02a) – Drainage Improvements
531: EIR 589 Standard Condition 4.5-3 (D02b) – Drainage Improvements
539, 539.1 & 539.2: EIR 589 Standard Condition 4.5-9 (WQ03) – Compliance with Water Quality Management Plan (WQMP)
560: EIR 589 Standard Condition 4.8-4 (N09) – Multi-Family Residential Development
563: EIR 589 Standard Condition 4.8-7 (N12) – Transportation Corridor Notification
565 & 566: EIR 589 Standard Condition 4.10-1 (LA01b) – Public Area Landscaping
568 & 569: EIR 589 Standard Condition 4.10-2 (LA02b) – Private Area Landscaping
618: Ranch Plan Fire Prot. Program Cond. 3.f. – Fuel Modification Zones

g. Prior to Release of Grading Bond:

572 & 573: EIR 589 Standard Condition 4.11-1 (A04) – Archaeology Grading Observation and Salvage
575 & 576: EIR 589 Standard Condition 4.11-2 (A07) – Paleontology Resource Surveillance

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- 2 **BASIC/ZONING REGULATIONS** **PA24-0009**
This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.
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- 3 **BASIC/TIME LIMIT** **PA24-0009**
This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.
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- 4 **BASIC/PRECISE PLAN** **PA24-0009**
Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Deputy Director, OC Development Services, for approval. If the Deputy Director, OC Development Services, determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.
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- 5 **BASIC/COMPLIANCE** **PA24-0009**
Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.
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- 6 **INDEMNIFICATION** **PA24-0009**
Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Director of OC Public Works, or Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.
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- 7 **BASIC/APPEAL EXACTIONS** **PA24-0009**
Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.
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- 8 **PRIVATE LANDSCAPING** **PA24-0009**
A. Prior to the issuance of precise grading permits, the applicant shall submit a detailed landscape plan for the project area which shall be approved by the Manager, Building & Safety in consultation with the Manager, Land Development. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, and water conservation measures contained in the County of Orange Landscape Code (Ord. No. 09-010) and shall comply with State's Model Water Efficient Landscape Ordinance (MWELO - Sections 490-495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations).
B. Prior to the approval of final inspection, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.
C. Prior to the approval of final inspection, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Building & Safety.
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- 9 **WATER QUALITY MANAGEMENT PLAN** **PA24-0009**
Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Building & Safety, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:
- Detailed site and project description
- Potential stormwater pollutants
- Post-development drainage characteristics
- Low Impact Development (LID) BMP selection and analysis
- Structural and Non-Structural source control BMPs
- Site design and drainage plan (BMP Exhibit)
- GIS coordinates for all LID and Treatment Control BMPs
- Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs
The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit.
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- 10 **COMPLIANCE WITH THE NPDES IMPLEMENTATION PROGRAM** **PA24-0009**
Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the County's NPDES Implementation Program in a manner meeting the satisfaction of the Manager, Inspection Services, including:
- Demonstrate that all structural Best Management Practices (BMPs) described in the BMP Exhibit from the project's approved WQMP have been implemented, constructed and installed in conformance with approved plans and specifications
- Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs (the O&M Plan shall become an

attachment to the WQMP;

- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the initial occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date twelve (12) months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan
- Demonstrate that the applicant has RECORDED one of the following:
 1. The CC&R's (that must include the approved WQMP and O&M Plan) for the project's Home Owner's Association;
 2. A water quality implementation agreement that has the approved WQMP and O&M Plan attached; or
 3. The final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

11 **EROSION AND SEDIMENT CONTROL PLAN PA24-0009**

Prior to the issuance of any grading or building permit, the applicant shall submit a Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building & Safety, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

12 **BEST MANAGEMENT PRACTICES PA24-0009**

Prior to issuance of a building permit, the off-site regional Best Management Practices (BMPs) relied upon by this project (e.g., basins, swales, etc.) must be built and/or installed, and operational. The location and operation of these regional BMPs must be in compliance with the Final Project-Specific WQMP for the regional BMP(s). The location and operation of the regional BMP(s) must be demonstrated to the satisfaction of the Manager, Building & Safety.

13 **SHADE TREES PA24-0009 (Custom)**

Prior to approval, landscape plans shall demonstrate compliance with mitigation measure 4.7-3 of EIR 589 by incorporating shade trees into the design of the project parking area and overall project site for purposes of reducing evaporative emissions from parked vehicles, reducing summer cooling needs, and providing shade along pedestrian paths. Compliance must be demonstrated to the satisfaction of the Manager, Land Development.

14 **MODEL HOME SALES COMPLEX PA24-0009**

- A. Within ninety (90) days after the termination of the use of the subject property as model homes, the applicant shall remove the signs and revise the model homes as necessary to comply with the current applicable zoning regulations.
- B. The use approved by this action shall expire three (3) years from the issuance of the temporary certificate of use and occupancy. Applicant may apply for one (1) one-year extension for this permit.
- C. Notwithstanding this site plan, applicant shall submit a changed plan to reflect exact size, location and copy of signs associated with the model homes. The sign copy shall be limited to matters relating to the recorded tract within which the signs are located. Such signs shall have a time limit of existence concurrent with the use of the permitted temporary model homes within the recorded tract. No sign shall be posted or placed on public or private property advertising or directing people to the development, which is the subject of this permit, unless such sign is allowed by all applicable permits and is expressly permitted by written consent of the property owner. It is expressly understood and accepted by the applicant that this condition is applicable to any sign advertising or directing people to the development, regardless of whether the applicant directly posted or placed the sign in question. A maximum of ten (10) onsite pennants are permitted in connection with the model home sales complex use.