

Conditions of Approval for County File # SD07-9167 as approved by the County Planning Commission on September 13, 2011 with modifications supplied by staff (in bold italics and strikeout)

Administrative

1. ____ This approval is based on the following documents:
 - A. Tentative Map dated February 1, 2011, Sheets TM-1 through TM-7
 - B. Initial Study/Mitigated Negative Declaration dated January 28, 2011
 - C. Stormwater Control Plan, revised October 8
 - D. Mosaic Associates, 2007, revised 2011, Biological Resources Report,
 - E. Rana Resources, 2006, letter report to Ms Judy Bendix
 - F. Rana Resources, 2006, revised 2009
 - G. Mosaic Associates, 2008, revised January 2011, Creek Preservation and Enhancement Plan
 - H. Archeo-Tec 2006 Cultural Resources Evaluation
 - I. Jensen-Van Lienden Associates, Inc. 2006 & 2008 Geotechnical Study
 - J. Joyce Associates December 2007, Fault Hazard Investigation
 - K. Darwin Myers Associates 2007, Geologic Peer Review
 - L. Joseph McNeil , January 2008 Arborist Report, amended January 2011

2. ____ This subdivision is approved contingent upon the Board of Supervisors' approval of the Rezoning of this site, County File No. RZ07-3195.

- 2A ____ Removal of twenty two trees is approved based on the Joseph McNeil, January 2008 Arborist Report, revised January 2011.

3. ____ This application is subject to an initial application fee, which was paid with the application submittal, plus time and materials costs if the application review expenses exceed 100% of the initial fee. Any additional fee due must be paid with 60 days of the permit effective date.

Indemnification

4. ____ ~~At least 30 days prior filing the Final Map,~~ The applicant shall submit a letter stating the following: "Pursuant to Government Code Section 66474.9, the applicant (including the sub-divider or any agent thereof) shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees to attack, set aside, void, or annul, the Agency's approval concerning

this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The County will promptly notify the sub-divider of any such claim, action, or proceeding and cooperate fully in the defense.”

Compliance Report

5. ____ At least 45 days prior to filing the Final Map or issuance of grading permit, which ever occurs first, the applicant shall submit a report on compliance with the conditions of approval with this permit for the review and approval of the Zoning Administrator. The fee for this application is a deposit of \$1,000 that is subject to time and materials costs. Should staff costs exceed the deposit, additional fees will be required.
 - A. Except for those conditions administered by the Public Works Department, the report shall list each condition followed by a description of what the applicant has provided as evidence of compliance with that condition. The report shall also indicate whether the applicant believes that he has done all the applicant is in a position to do to comply with the applicable condition. (A copy of the computer file containing the conditions of approval may be available; to try to obtain a copy, contact the project planner, John Osborne at 335-1207.
 - B. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the condition of this report prior to filing the final map.

County Zoning Administrator & City of Walnut Creek Review

6. ____ At least 30 days prior to the issuance of a building permit, elevations and architectural design of the building and building roofing material shall be submitted first to the City of Walnut Creek for review and comment and then to the County for review and approval by the County Zoning Administrator. The new homes shall be earth tone colors and each new parcel shall provide for at least 6 off-street parking spaces. All plans must comply with the North Gate Specific Plan. This statement shall be recorded on each new parcel.

Aesthetics/ Landscaping

7. ____ To block views of the new residences for users of the existing and proposed trails, a dense landscape screen shall be planted within the 60-foot setback along the western/southwestern property line (Lots 3-7). Planting shall be as recommended by the applicant’s arborist (McNeil, January 2011) subject to review and approval of the Zoning Administrator MM I-IA. ***This landscaping requirement shall be a deed disclosure on the affected properties and shall be subject to the review and approval of the Zoning Administrator prior to recording the map.***
8. ____ Tree size shall be no smaller than 15-gallon and consist of native evergreen species; e.g., coast live oak, etc. Landscaping shall be irrigated for up to five years,

protected from deer, and maintained during this period. At least 30 days prior to the recordation of the Final Map the applicant shall submit a *Final Landscaping Plan* for review and comment by the City of Walnut Creek and review and approval by the Zoning Administrator MM I-IB. The landscape plan shall comply with the County Water Conservation Ordinance (Chapter 82-18) as amended and the plan shall be certified by a licensed professional that it complies with the Ordinance as amended.

9. ____ Prior to the issuance of construction permits the applicant shall submit for the review and approval of the Zoning Administrator a fencing plan that shall include “Open Space” or wire mesh fencing for Lots 3 through 7 MM 1-IE ***This fencing requirement shall be a deed disclosure on the effected properties and shall be subject to the review and approval of the Zoning Administrator prior to recording the map. The open wire fencing requirement shall also apply the rear yards of lots 2 and 3 that are adjacent to the creek.***

10. ____ The landscaping shall be monitored for a period of five years from the date of installation. Any trees lost during this period shall be replaced and monitored by the developer and/or property owner. Future owners of Lots 3–6 and the owner of the existing house (Lot 7) shall be responsible for the maintenance of the landscaping as well as replacing any shrubs/trees that are lost. This shall be recorded on the deed for each new parcel MM I-ID.

To assure the long term viability of the landscaping the applicant shall post a bond, for the landscaping for a period of five years from installation of landscaping. Prior to acceptance of the bond a qualified landscape architect shall assess the value of the landscape and provide a copy to the Zoning Administrator. Prior to the release of the bond a landscape architect shall submit a letter to the Zoning Administrator that the landscaping is in good health.

10 A. ____ No later than 120 days after the issuance of the first building permit the existing structures on the property that are to remain shall be repainted with a paint color that reduces the visual impact of the structures. Prior to the issuance of building permits for the new homes the applicant shall provide proof to the Zoning Administrator from a qualified professional that the proposed paint colors are 50% or less non-reflective quality standard. The approved paint colors shall be used on the new homes as well as the existing home(s). All new structures shall also be constructed with this type of paint and reduced reflectivity building materials such as window frames.

10 B ____ A Home Owners Association (HOA) shall be formed for the project site and prior to filing a final map the applicant shall submit CC & R’s to the Zoning Administrator for review and approval.

The HOA shall be responsible for the maintenance of the project road and common landscaping. The HOA shall not own the buffer area but shall have access to it so they can maintain the landscaping should the individual property owner not properly maintain the buffer landscaping that occurs on his or her property.

Air Quality

11. ____ During construction, the applicant shall take the following measures to control dust:
- Water all active construction areas at least twice daily.
 - Cover all trucks hauling soil, sand, and other loose materials, or require trucks to maintain at least two feet of freeboard.
 - Sweep off-site streets leading to the project site daily if visible soil, sand or other loose materials are deposited on these streets MM III-1

Biology

12. ____ If vegetation removal and grading commences between February 15 and August 31, a qualified wildlife biologist shall conduct a preconstruction survey for nesting birds. If nests of either migratory birds or birds of prey are detected on or adjacent to the site, a no-disturbance buffer (generally 50 feet for passerines and 300 feet for raptors) in which no new site disturbance is permitted shall be observed until August 15, or the qualified biologist determines that the young are foraging independently. The size of the no-disturbance buffer shall be determined by a qualified wildlife biologist, and shall take in to account local site features and existing sources of potential disturbance. If more than 15 days elapses between the survey and site disturbance, the survey shall be repeated MMIV-1A
13. ____ A preconstruction survey for burrowing owls shall be conducted by a qualified biologist not more than 30 days prior to the start of construction. If no owls or sign are detected during this survey, no further burrowing owl mitigation would be necessary. If burrowing owls or sign of burrowing owls is detected, mitigation consistent with the CDFG Staff Report (CDFG unpublished report: *Staff Report on Burrowing Owl Mitigation*, 1995) shall be provided MM IV-1B.
14. ____ Prior to construction and after completion of the preconstruction survey above, silt fencing or equivalent shall be installed along the top of bank to prevent the movement of western pond turtles from the riparian corridor into the construction zone. This fencing shall be in addition to any fencing installed as part of best management practices for erosion control purposes. The location of the fencing shall be determined by the qualified biologist, shall be inspected weekly by the construction foreman and maintained intact at all times during construction, and shall be removed once grading and heavy off-road equipment operation is complete MMIV-1C.

15. _____ Measures shall be taken to prevent possible inadvertent loss of California red-legged frog during construction. These shall consist of the following:

- Prior to any grading or grubbing of the site, a preconstruction survey for California red-legged frog shall be conducted by a qualified biologist not more than 48 hours prior to the commencement of construction. If California red-legged frogs are detected within the Walker Canyon Creek corridor on the site, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be notified and consulted regarding the need for any additional avoidance measures to prevent take of this federally-threatened species.
- Exclusionary fencing called for in Mitigation Measure IV-1C shall also serve to prevent California red-legged frog from entering the construction zone.
- Construction workers shall be trained by the qualified biologist regarding the remote potential for presence of California red-legged frog, that this species is to be avoided, that the foreman must be notified if they are seen, and that construction shall be halted until appropriate measures have been taken until authorization to proceed is obtained from the USFWS. Harassment of California red-legged frog is a violation of federal law.
- During the construction phase of the project, a qualified biologist or an on-site monitor (such as the construction foreman trained by the qualified biologist) shall check the site in the morning and in the evening of construction activities for the presence of California red-legged frog. This includes the Walker Creek corridor, exclusionary fencing, holes, under vehicles, and under boards and other materials left on the ground. If any California red-legged frogs are found during on-site monitoring, construction shall be halted, and the monitor shall immediately notify the qualified biologist in charge and the U.S. Fish and Wildlife Service. Construction shall not proceed until adequate measures are taken to prevent dispersal of any individuals into the construction zone, as directed by the U.S. Fish and Wildlife Service, and all subsequent recommendations and conditions shall be followed.
- No one shall handle or otherwise harass any individual California red-legged frogs, if any are encountered during construction, with the exception of a Service-approved biologist. The qualified biologist in charge shall train the on-site monitor in how to identify California red-legged frog. The qualified biologist in charge shall visit the site at least once a week during the first month of construction and confer with the trained on-site monitor MM IV-1D.

Walnut Creek Tree Preservation Ordinance

16. ____ The project shall comply with the City of Walnut Creek Tree Preservation Ordinance (Section 3.8 Preservation of Trees on Private Property), consistent with the North Gate Specific Plan. This shall include preparation of a Tree Replacement Program and Tree Preservation Guidelines as defined below:

Tree Preservation Guidelines shall be prepared and implemented during construction activities to avoid injury of trees to be preserved during construction. This shall include establishment of tree protection zones at the drip line, or as modified under the direction of a certified arborist. Excavation, grading, construction, and storage of materials shall be avoided within this zone. Exclusion fencing shall be established around the tree protection zone. Tree protection methods during construction and any modifications to tree protection zones shall be overseen by a qualified arborist.

A Tree Replacement Program shall be prepared by the applicant, and implemented as part of the mitigation program for the project. Replacement trees shall be provided at a minimum 3:1 ratio, shall be installed along the edge of the riparian corridor as part of the CPEP where feasible, and shall be maintained for a minimum of five years to ensure their successful establishment. Replacement tree plantings shall be irrigated for a minimum of two years following initial planting to ensure their survival, and shall be replaced on an annual basis to meet success criteria specified in the Tree Replacement Program MM IV-2

Cultural

17. ____ If historic or prehistoric artifacts, features, or cultural resources are encountered during construction of the proposed project, all work shall be halted in the immediate vicinity of the find for purposes of evaluation by a qualified professional archaeologist approved by the Contra Costa County Department of Conservation and Development V-1A.
18. ____ The County Coroner shall be notified if human remains are uncovered during construction. If it is determined that the remains are Native American, a representative of the NAHC shall be consulted MM V-1B.

Geology

19. ____ Construction of house foundations, streets and driveways, and other structures shall comply with the recommendations of the applicant's geotechnical engineering consultants (Jensen-Van Lienden Associates, Inc. December 29, 2006 report). These recommendations include the following:

- Houses with crawl spaces shall be supported with drilled piers and grade beams designed to resist uplift pressure.
- Houses with slabs-on-grade shall be supported on mats of non-expansive engineered fill.
- Garage floor slabs, sidewalks and outdoor slabs (e.g., patios) where some cracking can be accepted could be designed to be stronger (e.g., with more cracking is unacceptable, these slabs shall be supported on mats of non-expansive engineered fill.
- Applicant shall provide recommendations by a registered geotechnical engineering consultant for proper foundation and support of asphalt-concrete streets MM VI-1.
- At least 30 days prior to the recordation of Final Map the applicant shall submit a final geology, soil and foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 for review and approval by the Planning Geologist. Improvement, grading and building plans shall carry out the recommendations of the approved report.
- The applicant shall record a statement to run with the deeds to the property acknowledging the approved geology, soil and foundation report by title, author (firm) and date calling attention the approved recommendations.

Child Care Conditions

20. ___ ___ The applicant shall pay a fee of \$400.00 per unit toward child care facility needs in the area as established by the Board of Supervisors.

Construction Conditions

21. ___ ___ Contractor and/or developer shall comply with the following construction, noise, dust and litter control requirements.
- A. The project sponsor shall require their contractor and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors and concrete pumpers as far away from existing residences as possible.
 - B. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The

notice shall include a list of contact persons with name, title, phone number and areas of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the 24-hour emergency number, shall be expressly identified in the notice. The notice shall be re-issued with each phase of major grading and construction activity.

A copy of the notice shall be concurrently transmitted to the Community Development Department. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

- C. A dust and litter control program shall be submitted for the review and approval of the Zoning Administrator. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
- D. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows. Prior to issuance of building permits, the proposed roads serving this development shall be constructed to provide access to each lot. This shall include provision for an on-site area in which to park earth moving equipment.
- E. Transporting of heavy equipment and trucks shall be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State holidays.
- F. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- H. Construction Period Development Activity Restrictions – Contractor and/or developer shall comply with the following construction noise, dust, litter, and traffic control requirements:

All construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday/Presidents' Day (State and Federal)
Lincoln's Birthday (State)

Cesar Chavez Day (State)
Memorial Day (State and Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (State and Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For specific details on the actual day the state and federal holidays occur, please visit the following websites:

Federal Holidays <http://www.opm.gov/fedhol/2006.asp>

California Holidays <http://www.edd.ca.gov/eddsthoh.htm>

Police Service District

22. ____ Election for Establishment of a Police Services District to Augment Police Services – The owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be the per parcel annual amount (with appropriate future CPI adjustment) then established at the time of voting by the Board of Supervisors. The election to provide for the tax shall be completed prior to filing the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time the election is requested by the owner. Allow a minimum of ~~three to four~~ four to six months for processing.

Road Maintenance

23. ____ At least 30 days prior to the filing of the Final Map, the applicant shall submit a road maintenance agreement for the review and approval of the Zoning Administrator. The agreement shall make adequate provisions for funding road maintenance and establishing cycle standards between all property owners. The approved road maintenance agreement shall be recorded with the final map.

Street Names

24. ____ At least 30 days prior to filing the Final Map, proposed street names public and private shall be submitted for review by the Common Development Department, Graphics Section (Phone #335-1270). Alternate street names should be submitted. The Final Map cannot be certified by the Community Development Department without the approved street names.

Deeded Development Rights

25. ___ ___ The applicant shall deed the development rights to the County over the 60' structure setback along the western and southern boundaries of the project site subject to the review and approval of the Zoning Administrator. This shall be recorded on each new parcel.

Inclusionary Housing

26. ___ ___ The applicant shall comply with the Inclusionary Housing Ordinance, Chapter 822-4 subject to review and approval of the Zoning Administrator.

Deed Disclosure

27. ___ ___ The following deed disclosure shall be recorded on each of the deeds of the subject property: *"This document shall serve as notification that you have purchased land in an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment and aerial crop dusting and certain animals and flies may exist on surrounding properties. This statement is, again, notification that this is part of the agricultural way of life in the open space areas of Contra Costa County and you should be fully aware of this at time of purchase."*

Existing Secondary House on the proposed Remainder Parcel

28. ___ ___ At least 30 days prior to the recordation of the Final Map the applicant shall submit proof to the Zoning Administrator that the existing (smaller) house on the remainder parcel complies with the second unit ordinance. If it does not comply the applicant shall either bring the home into compliance with the second unit ordinance or remove the house.

Water

29. ___ ___ The applicant shall comply with the Contra Costa County Ordinance pertaining to water conservation. Compliance with the Water Conservation Ordinance shall be designed to encourage low-flow water devices and other interior and exterior water conservation techniques.
30. ___ ___ All open space, median strip, and private lot landscaping shall consist of non-invasive, drought-tolerant, low-water use plant species.

Construction and Demolition Debris

31. ____ At least 30 days prior to the issuance of an Occupancy Permit, the developer shall submit a completed “Debris Recovery Report” documenting actual debris recovery effects “including quantities of recovered and landfilled materials that occurred throughout the project’s duration.

**PUBLIC WORKS RECOMMENDED
CONDITIONS OF APPROVAL FOR SUBDIVISION SD 07-9167**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the Vesting Tentative Map dated February 1, 2011.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.

General Requirements:

32. ____ In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions there from must be specifically listed in this conditional approval statement. The drainage, road, and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the Vesting Tentative Map dated February 1, 2011.
33. ____ Improvement plans prepared by a registered Civil Engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the County Ordinance Code for the conditions of approval of this subdivision. The improvement plans shall include striping plans and any necessary traffic signage for review by the Transportation Engineering Division of the Public Works Department.

Frontage Improvements (North Gate Road):

34. ____ Applicant shall construct curb, 4.5 foot wide sidewalk, necessary longitudinal and transverse drainage, and pavement widening to result in a 16 foot wide half-width. The finished frontage shall consist of one 12 foot wide southbound travel lane, a four foot wide shoulder/bike trail, and a five foot wide pedestrian path along the frontage of North Gate Road, in accordance with the North Gate Specific Plan. The road widening and shoulder shall be constructed with a full structural section. A nine foot wide landscaped strip should remain between the back of the path and the right of way, where possible. Applicant shall install these frontage improvements and road widening extending along the adjacent parcel to the south (Assessor Parcel

Number 138-170-005), including the construction of a curb ramp at the northwest intersection of Diablo Ridge Lane and North Gate Road. Improvements on North Gate Road shall generally be aligned to the existing improvements previously constructed with Subdivision 7647 located to the south of the project site.

Access to Adjoining Property:

Proof of Access

35. ___ ___ Applicant shall furnish proof to Public Works of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Encroachment Permit

36. ___ ___ Applicant shall obtain an encroachment permit from the County's Application and Permit Center, for the construction of any improvements within the right of way of North Gate Road.

Sight Distance:

37. ___ ___ Applicant shall provide sight distance at the intersections of the on-site roadway and North Gate Road for a design speed of 30 miles per hour. The applicant shall trim vegetation, as necessary, to provide sight distance at the proposed intersection. Any new landscaping, fencing, retaining walls, or other obstructions proposed at the intersections shall be setback to ensure that the sight lines are clear.

Private Road Improvements ("A" Court):

38. ___ ___ Applicant shall construct a 24 foot wide on-site roadway (designated as "A" Court on the Vesting Tentative Map) within a 34 foot wide easement, to current County private road standards. Although the on-site roadway is to remain private, the pavement structural section shall conform to County public road standards.
39. ___ ___ The on-site roadway width shall be increased to a minimum 28 feet through the horizontal curve (65 foot radius) located in the vicinity of Lots 1, 5, and 6 to improve circulation through the subdivision. No parking shall be permitted through the curve.
40. ___ ___ Applicant shall construct the intersection of the on-site private road ("A" Court) and North Gate Road with a street-type connection; including minimum 20-foot radii curb returns in lieu of a driveway depression. Curb ramps meeting the County's current standards shall be installed at each curb return. Due to the skew of the private roadway, the proposed northerly curb return may require a larger radius to facilitate safer ingress to the site. The applicant shall demonstrate to the Public

Works Department that the curb returns are designed to accommodate truck turning radii at this intersection.

41. ___ ___ Applicant shall construct a paved turnaround (bulb-type) at the terminus of "A" Court, with a minimum 45 foot radius cul-de-sac, meeting Fire District standards.

Road Dedications:

42. ___ ___ Property Owner(s) shall convey to the County, by offer of dedication, the right of way necessary to provide a minimum 30 foot half-width (for a planned ultimate 60 foot wide right of way) along the North Gate Road frontage. The current right of way width appears to be 50 feet; therefore, the property owner(s) shall dedicate at least five feet of additional right of way along the project frontage for roadway purposes.

Pedestrian Facilities:

43. ___ ___ Curb ramps and driveways shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right of way shall be dedicated at the curb returns to accommodate the returns and curb ramps.

Parking

44. ___ ___ Parking shall be prohibited on both sides of the on-site private road where the curb-to-curb width is less than 28 feet. "No Parking" signs and pavement markings shall be installed along the on-site roadway system, subject to the review of the Public Works Department.

Annexation to Lighting District:

45. ___ ___ The subject property is not currently annexed into a lighting district. The applicant shall annex to Community Facilities District CFD 1010-1 for Countywide Street Light Financing, or equivalent lighting district approved by the Public Works Department.

Utilities/Undergrounding:

46. ___ ___ All new utility distribution services shall be installed underground.

Drainage:

Collect and Convey

47. ___ ___ Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an

adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the storm waters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.

Creek Structure Setbacks:

48. ___ ___ Applicant shall relinquish "development rights" over that portion of the site that is within the structure setback area of the creek based on the criteria outlined in Chapter 914-14, "Rights of Way and Setbacks," of the Subdivision Ordinance.

Miscellaneous Drainage Requirements:

49. ___ ___ Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Design Standards.
50. ___ ___ Applicant shall prevent storm drainage from draining across driveway(s) in a concentrated manner.
51. ___ ___ A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over any surface or subsurface storm drain facility traversing the site.

Provision "C.3" of the NPDES Permit:

52. ___ ___ Improvement Plans shall be submitted to the Public Works Department to verify compliance with Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
53. ___ ___ A final Storm Water Control Plan (SWCP) shall be submitted to and approved by the Public Works Department for consistency with Provision C.3. All time and materials costs for review and preparation of the SWCP shall be borne by the applicant.
54. ___ ___ Storm water management facilities shall be subject to inspection by Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
55. ___ ___ A final Storm Water Control Operation and Maintenance Plan (O+M Plan) shall be submitted to and approved by the Public Works Department for consistency with Provision C.3.

56. ___ ___ The property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for operation and maintenance of the stormwater facilities and grant access to relevant public agencies for inspection of stormwater management facilities. Such an agreement shall be fully executed and recorded prior to filing of the Final Map.
57. ___ ___ The property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.
58. ___ ___ Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

National Pollutant Discharge Elimination System (NPDES):

59. ___ ___ The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II, or Central Valley - Region IV).

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Offer pavers for household driveways and/or walkways as an option to buyers.
- Minimize the amount of directly connected impervious surface area.
- Label all storm drains ("No Dumping, Drains to Delta") using current storm drain markers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Trash bins shall be sealed to prevent leakage, or shall be located within a covered enclosure.
- Shallow roadside and on-site swales.
- Prohibit or discourage direct connection of roof and area drains to storm drain systems or through-curb drains.
- Distribute public information items regarding the Clean Water Program to buyers.
- Other alternatives comparable to the above as approved by Public Works.

Advisory Notes:

- A. Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit, as adopted by the Board of Supervisors. This fee shall be paid prior to issuance of building permits.
- B. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.
- C. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- D. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

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