

Conditions of Approval/UP 21-007

1. Preconstruction surveys shall be conducted by a qualified biologist, approved by the County, and funded by the developer, to determine potential presence of special status wildlife and/or habitat (including dens, Burrows, nests, and other suitable habitat). The surveys shall be conducted within the appropriate survey windows, no more than seven days prior to ground disturbing activities, and again no more than 24 hours prior to initiating ground disturbing activities. Transect distances shall be no more than 25-meters. The final report shall clearly identify which species were looked for, and the survey methods used, and all references to other survey findings shall clearly specify the dates, authors, locations and boundaries of the referenced work.
2. The project shall comply with all applicable requirements of the Migratory Bird Treaty Act. To avoid impacts to nesting birds, the removal of any trees and vegetation from the project site from March 15 and September 15 shall require that a qualified biologist, approved by the County and funded by the developer, conduct Nesting Bird Surveys of the site, within the appropriate survey windows, to determine the location of any nesting birds prior to project activities (including site preparation). The nesting bird surveys shall be conducted no more than seven days, and again no more than 24 hours, prior to initiating ground disturbing activities. Transect distances shall be no more than 25-meters. The final report shall clearly identify which species were looked for, and the survey methods used, and all references to other survey findings shall clearly specify the dates, authors, locations, and boundaries of the referenced work. Should nesting birds be identified, a qualified biologist will mark those areas with Environmentally Sensitive Area (ESA) fencing, and monitor the nesting sites throughout project activities, until the young have fledged.
3. The following housekeeping measures shall be implemented throughout the construction process: (a) raw cement/concrete or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to wildlife resources shall be removed from the site immediately; (b) all construction equipment shall be checked for leaks daily prior to initiating work. Leaking equipment shall be taken offsite to be maintained. If equipment is leaking while onsite, a construction diaper (i.e. tarp and wattles) shall be placed underneath the leak until the equipment can be maintained; and (c) construction crew shall limit disturbance to necessary work areas only so as to limit potential impacts to flora and fauna.
4. Weed control shall be practiced in all temporarily disturbed habitats. Prior to issuance of an occupancy permit, invasive plant species shall be removed from the screening berms. If an herbicide is used, it will be done by a licensed applicator, approved by the County and funded by the developer. Weed controls will be monitored by the County-approved biologist, and repeated annually until the native landscape plantings are established as described in Condition 5 below.
5. Landscaping on the new berms shall consist of plant materials that are native to the Mono Basin. The berms shall be hydroseeded with a locally-sourced native seed mix, covered

with paper mulch to retain moisture, and irrigated 3-6 times a day for a period of no less than 6 months. The landscape plantings shall be monitored over a period of 5 years by a qualified County-approved biologist. The progress of revegetation will be evaluated by the biologist at the end of each growing season and reported with regard to attainment of success criteria: 1) after 5 years, at least six live native shrubs per 4 square meters or 10% total living shrub canopy cover will be present, and 2) weeds will together establish less than 10% canopy cover in sampled 4 square meter quadrats. If it appears at the time of annual monitoring that either of these success criteria may not be met after 5 years, recommendations for specific remediations including re-planting or additional weed control will be provided in the annual monitoring report.

6. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by a qualified archaeologist approved by the County and funded by the developer. Work shall not resume in the defined area until the archaeologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility.

In the event that human remains are encountered, State Health and Safety Code § 7050.5 requires that no further disturbance shall occur until the County Coroner has been notified and has made a determination of the origin and disposition of the remains. If the remains are determined to be of prehistoric or protohistoric Native American origin, the coroner will notify the Native American Heritage Commission (NAHC), pursuant to PRC §5097.98. The NAHC shall determine and notify a Most Likely Descendant (MLD) individual or group that will consult with the landowner or their authorized representative and recommend the manner of treatment for any human remains and associated burial materials. All associated costs shall be borne by the developer.

7. All project construction shall be conducted in compliance with permit conditions of approval and current building code requirements.
8. The project shall be required to obtain a permit from the State Water Resources Control Board, including a stormwater Pollution Prevention Plan for drainage and control of onsite spills. The project operator shall be required to comply with all applicable requirements and practices therein through the life of the project.
9. The development footprint and project construction shall substantially comply with the project description and site plan as described in the adopted Initial Study.
10. The project warehouse shall comply with the following standards:
 - a. Setbacks: The metal warehouse shall be set back from SR-167 no less than 80-feet.

- b. Building Height: The building height shall not exceed 30-feet.
 - c. Lot Coverage: Lot coverage shall not exceed 15% of the parcel area.
 - d. Color Palette: The onsite warehouse structure shall be painted consistent with the approved color palette including Kelly Green (for the main building); Sage Green (for the trim, main doors, and vehicle doors); and Sandstone Beige (on the roof and along the edges of siding).
11. All truck travel on the gravel approach leading into and exiting the weigh scale shall be limited to the movement described in the noise analysis of the Negative Declaration, in order to reduce noise caused by reversing.
 12. Operations on the property shall be limited to daylight hours year-round.
 13. Noise levels at the property boundary during daytime hours (7 am to 10 pm) shall not at any time exceed 65 decibels, and during evening hours (10 pm to 7 am) shall not exceed 60 decibels. Noise levels at the boundary of the closest nearby residential property shall not at any time exceed 55 decibels during daytime hours (7 am to 10 pm), and shall not at any time exceed 50 decibels during evening hours (10 pm to 7 am).
 14. The generator shall be placed inside and comply with the Mono County Noise Ordinance.
 15. The project shall at all times be in full compliance with applicable dust and PM-10 mitigation requirements of the Great Basin Unified Air Pollution Control District, including requirements adopted specifically for the Mono Basin PM10 Statement Implementation Plan.
 16. Wastes from any single delivery shall not be stored on the property for more than 48 hours, and all waste storage shall be confined to the metal warehouse.
 17. The existing onsite solar system has a 1.8 kilowatt hour power capacity on a 30 ampere system to charge batteries daily. Prior to issuance of the Certificate of Occupancy, capacity of the existing 30-ampere solar panel system shall be doubled to a minimum of 60-amperes.
 18. A formal a fire risk assessment and a formal fire plan shall be provided to set forth proper protocols and procedures for the unanticipated receipt of burning wastes. A 10,000-gallon fire suppression tank, supplied by the on-site well, shall be made available onsite for fire suppression. As required by CalFire, all staff will be trained in fire safety protocols. The formal fire risk assessment and fire plan shall be maintained onsite and accessible to all staff at all times. Fire safety equipment shall be available on-site for all staff. No open burning will be allowed.
 19. Water use on the project site shall be provided from the existing onsite well, and limited to one onsite bathroom and the misters used inside the warehouse for odor control. Onsite use of process water shall at all times be prohibited. The project shall be in full

compliance with all requirements of the Mono County Environmental Health Department.

20. All leachate water that has percolated through the solid MSW shall be hauled offsite with the solid waste and remediated. Additionally, leachate from the existing septic system holding tank shall be pumped and hauled offsite and remediated. The applicant shall work with Mono County's Environmental Health Department to ensure that the wastewater holding tank and septic system are in full compliance with Title 14 of the County Code, which regulates water and sewer issues.
21. The project shall comply with all applicable requirements of the California Integrated Waste Management Act of 1989, which requires that at least 50 percent of waste produced on the site be recycled, reduced, or composted.
22. The project shall be permitted to receive no more than 150 tons of municipal solid waste per day, and waste materials shall not be held on the site in excess of 48 hours.
23. The project shall be required to obtain an approved Full Solid Waste Facilities Permit from the Mono County Environmental Health Department prior to commencement of operations on the project site. The project shall comply with all applicable state and federal solid waste requirements.
24. Project lighting shall fully comply with lighting requirements of Mono County General Plan Land Use Element Chapter 23. Additionally, inasmuch as the southern project boundary adjoins SR-167, a County-designated Scenic Highway, project lighting shall fully comply with lighting requirements of the Mono County Scenic Combining Element, including provisions that prohibit glare, require proper maintenance, minimize allowed contrast in lighting levels, require full cut-off luminaires with the light source downcast and fully shielded and prohibit light trespass and prohibit light trespass onto neighboring properties or the public right of way. Light intensity should aim for an intensity of 2400K, and in no event shall exceed 3000K.
25. Reflective materials and windows shall not be permitted on the project site or structures.
26. Berms constructed around the west, south and east site perimeter shall comply with the following standards:
 - a. Dimensions: All onsite berms shall be within the range of 4' to 12' in height, and approximately 57' in width. Total berm length on the 3 perimeters shall not exceed 3,500-feet.
 - b. Native Landscaping: Berms shall be landscaped exclusively with sourced native plant materials grown from locally sourced seeds.
27. The project shall obtain and comply with the applicable permit requirements of all trustee and responsible agencies.

28. Approval of Use Permit 21-007 is contingent upon approval of the General Plan Amendment to change the land use designation to Industrial (I).
29. Termination: Per section 32.060 of the Land Use Element, a use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
- There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit;
 - There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted; and
 - No extension is granted as provided in Section 32.070.
30. Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension.
31. If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.