

SONOMA COUNTY BOARD OF SUPERVISORS

Conditions of Approval

Exhibit A

Date: June 10, 2014
Applicant: Jared and Velisa Pickard
Address: 3770 Langtry Road, Santa Rosa

File No.: PLP13-0019
APN: 030-080-009 and 028-270-038

Project Description: Request for: 1) a General Plan Amendment from the LEA (Land Extensive Agriculture) 200 acre density to the RRD (Resources and Rural Development) 200 acre density land use designation; 2) an Amendment to the Franz Valley Area Plan from the LEA (Land Extensive Agriculture) 100-200 acre density to the RC (Resource Conservation) 100-200 acre density land use designation; 3) a Zone Change from the LEA (Land Extensive Agriculture), B6-200 acre density to the RRD (Resources and Rural Development), B6-200 acre density zoning district to allow for; 4) a Use Permit for a retreat facility with up to 18 overnight guests and associated new buildings to accommodate proposed use on a 162.30 acre parcel.

Prior to commencing the use, evidence must be submitted to the file that all of the following non-operational conditions have been met.

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,156.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a **total of \$2,231.25 made payable to Sonoma County Clerk** and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

BUILDING:

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
3. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues, or lack of compliance with any project conditions of approval.
4. The applicant shall apply for and obtain building related permits from PRMD for the conversions of the existing buildings to the proposed uses and the construction of all new structures. The necessary applications appear to be, but may not be limited to, accessibility report and building permits. The change of occupancy will require the existing structure to be brought up to current code for the proposed occupancy and the plans and calculations for the improvements prepared by a California licensed architect or engineer. Construction inspections shall occur and the building permit(s) finalized prior to occupancy of remodeled and/or new structures.
5. The current and proposed uses and occupancies of all existing and proposed building areas shall be accurately identified on the proposed plans.
6. The means of egress from the newly proposed and remodeled areas shall comply with the applicable sections of the California Building Code (CBC).
7. The fire-resistance rating of existing and proposed walls separating the proposed occupancies from adjacent uses shall comply with the applicable sections of the CBC.
8. A soils report is required for this project.
9. Any structures to be constructed as part of the required grading, such as retaining or sound walls, shall require separate building applications and permits.

10. All newly constructed structures shall adhere to the mandatory and elective Tier 1 requirements of the California Green Building Standards Code (CalGreen).
11. The California Business & Professions Code requires plans and calculations affecting structural elements or required exiting provisions to be prepared by California licensed design professionals (architects, engineers).
12. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the CBC as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure, exterior routes of travel, accessible parking, and other accessible elements.
13. If any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Also, these changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.

HEALTH:

"The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

14. Prior to building permit issuance and vesting the Use Permit, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

15. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) and arsenic analysis results of a sample of the well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
16. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.

17. If a Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
18. Prior to building permit issuance and vesting the Use Permit, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide a 72 hour yield test that indicates a minimum of 5 gallons per minute.
19. Prior to the issuance of any building permit and vesting the Use Permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

20. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

21. In-room Jacuzzi tubs, hot tubs or any other over-size tub designed for use by two or more persons, or any common area Jacuzzi or hot tub, or Vichy Shower shall not be allowed unless they are specified in the septic system analysis and additional capacity in the septic system is allocated for their use.
22. Prior to demolition permit issuance for abandonment of the dwelling, the applicant shall obtain a permit to abandon the existing septic tank(s) under permit and inspection from the PRMD Well and Septic Section. The Project Review Health Specialist shall receive a copy of the "finalized" Abandonment Permit.
23. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

Consumer Protection:

24. Prior to the issuance of building permits, vesting the subject Use Permit, and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by, the Environmental Health Division of the Health Services Department.

Contact the Environmental Health Division at 565-6565 for information and instruction sheet. An e-mail of the approval from the Environmental Health Division or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

25. Prior to the issuance of building permits for the spa, and the start of any spa construction, plans and

specifications for the spa must be submitted to, and approved by, the Department of Health Services, the Environmental Health & Safety Section. This condition also applies to restrooms, showers, equipment rooms and fences associated with the spa. Contact the Environmental Health & Safety Section at 565-6565 for information. The PRMD Project Review Health Specialist shall receive a letter of approval from the Environmental Health & Safety Section to verify compliance with requirements of the State of California regulations on public swimming pools and spas.

Vector Control:

26. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to the operation of the pond on APN 028-270-038 and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:

Water:

27. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water Safety:

28. Recreational access to the pond by guests requires the maintenance of a Lifeboat with oars, oarlocks, not less than two life preservers and 200 feet of rope is to be present at the pond and reserved for emergency rescue use (Health and Safety Code Sections 115980 through 115995). At least one sign at each access point indicating that there is "No lifeguard on duty", as is required for public swimming pools without a lifeguard, is also required for this project.

Water:

29. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
30. A safe, potable water supply shall be provided and maintained.
31. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
32. Required water meters shall be calibrated and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.

Septic:

33. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32.

34. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
35. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

Consumer Protection:

36. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food. Note that no food service or food manufacturing exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit, State Department of Food and Agriculture permit or building permit.
37. Obtain and maintain all required Public Spa Permits from the Sonoma County Environmental Health and Safety Section.
38. Obtain and maintain all required Food Industry Permits from the State Department of Food and Agriculture prior to manufacturing any food. Canned items require approval from the California State Food and Drug Branch.

Solid Waste:

40. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

Smoking:

41. Smoking is prohibited in any dining area, service area, and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
39. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

SONOMA COUNTY DEPARTMENT OF HEALTH SERVICES:

"The conditions below have been satisfied BY _____ DATE _____"

40. A retail food facility permit is required to store, prepare, package, serve or vend food. A review and approval of the building plans will be required prior to issuance of a retail food facility permit to operate.

41. All existing or new onsite water well(s) are required to apply for and maintain a state water well system permit as an approved potable water supply for the food facility areas. The well permit would be issued by the California Department of Public Health Drinking Water Program.
42. Any dairy processing is required to obtain California Department of Food & Agriculture-Milk & Dairy approval.
43. All approved source canning process that are to be sold or used for retail or commercial sales is required to obtain a Processed Food Registration from the California State Food and Drug Branch.
44. All approved source meat drying/curing or smoking processing for food products that are to be sold or used for retail or commercial sales is required to obtain approval from the California Department of Food and Agriculture, Meat and Poultry Division.
45. A public pool permit is required for any public pool, spa, therapy, or watsu pool. A review and approval of the building plans will be required prior to issuance of a public pool permit.
46. The on-site composting proposal requires review by the Local Enforcement Agency to determine if a Solid Waste Permit is required prior to commencing operations.

GRADING AND STORM WATER:

“The conditions below have been satisfied BY _____ DATE _____

47. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
48. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.
49. The proposed project is subject to storm water Low Impact Development (LID) regulations. Measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. SUSMP features must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.
50. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD’s best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.

51. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
52. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
53. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
54. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied BY _____ DATE _____

55. Prior to issuance of any permit that results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

56. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
57. Where no applicable standards or requirements are set forth within the California Fire Code, the Sonoma County Code, or other laws, codes, regulations, and ordinances adopted by the jurisdiction; compliance with applicable standards of the National Fire Protection Association shall be used in addition to the codes, regulations and ordinances adopted by the jurisdiction to meet the intent of the codes.
58. A building permit shall be obtained for any construction, or any change in the use or character of a building.
59. Applicable Fire Code operational permits shall be obtained prior to the initiation of any activity where an operational permit is required by the California Fire Code as adopted and amended by Sonoma County Code. The following Fire Code Operational Permit may be required at this facility:

- a. Residential occupancy housing 10 or more occupants
60. An annual fire safety inspection is required for any facility requiring a Fire Code Operational Permit. The county or fire district which inspects the facility may charge and collect a fee for the inspection from the owner of the facility in an amount, as determined by the county or fire district, sufficient to pay its costs of that inspection.
 61. Applicable Fire Code construction permits shall be obtained prior to any construction that would require such permit required by California Fire Code as adopted and amended by Sonoma County Code. The following Fire Code Construction Permits may be required for this project:
 - a. Automatic fire-extinguishing system
 - b. Fire alarm and detection systems and related equipment
 - c. Private fire hydrant
 - d. LP gas installation or modification
 - e. Temporary membrane structure, tent or canopy
 62. To facilitate locating an emergency and to avoid delays in response; all existing and newly constructed or approved roadways and buildings whether public or private shall provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by Sonoma County Fire Safe Standards and the California Fire Code, as adopted and amended by Sonoma County Code.
 - a. All roadways shall provide year-round unobstructed access to conventional drive vehicles, including sedans and fire engines as required by Sonoma County Fire Safe Standards.
 - b. Any roadway in private ownership that provides vehicular access to more than one (1) parcel, to a commercial building or agricultural operation on a single parcel, or to more than two (2) residential buildings or two (2) residential buildings, containing more than three (3) dwelling units, on a single parcel shall be served by a "Private Road" as defined by Sonoma County Code, and shall have a minimum of two (2) nine foot (9') traffic lanes providing two-way traffic flow.
 - i. Any existing road which was constructed and serving a legal parcel prior to January 1, 1992 may be permitted if grades of greater than ten percent (10%) have an asphalt concrete surface and approved turnouts are provided at approximately 500 foot intervals.
 - ii. This may be evaluated by onsite review and the width may be reduced to a minimum of 12-0 feet in width with turnouts and turnarounds as approved by the fire code official or meet minimum standards as listed in the Fire Safe Standards.
 - iii. Any requested site visits are subject to inspection fees at a rate approved by the current adopted fee schedule by the Sonoma County Board of Supervisors.
 - iv. The Property shall have a documented second means of EGRESS to allow for safe ingress and egress from the property during a wild land fire emergency.
 - c. All roadways shall be identified by approved road names posted on signs clearly visible and legible from the roadway and at interchanges, as required by the California Fire Code as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.
 - d. All buildings shall be identified by approved address numbers, posted on signs clearly visible and legible from the roadway and at interchanges, as required by the California Fire Code as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.
 - e. Any newly created or approved roadways, newly constructed roadways, extended roadways, and reconstructed or improved roadways shall be constructed and maintained in compliance with the California Fire Code, as adopted and amended by Sonoma County Code, and as required by Sonoma County Fire Safe Standards.
 - f. An affirmative covenant that includes a road maintenance agreement, which shall run with the lands in perpetuity shall be created for any roadway in private ownership that

provides vehicular access to more than one (1) parcel.

63. Emergency water supply for fire protection shall be available and accessible in locations, quantities and delivery rates as specified in the California Fire Code as adopted and amended by Sonoma County Code.
 - a. Fire hydrants shall be installed as required by the California Fire Code as adopted and amended by Sonoma County Code.
 - b. Emergency water supply for fire suppression may be provided in a naturally occurring or manmade containment structure for projects not served by a municipal water system, as long as the specified quantity and delivery rate is immediately provided.
64. To reduce the intensity of a conflagration by the installation of building fire protection features, the proposed project shall be in accordance with the California Fire Code as adopted and amended by Sonoma County Code and Sonoma County Fire Safe Standards.
 - a. Fire protection systems shall be installed within buildings and structures in compliance with California Fire Code as adopted and amended by Sonoma County Code.
 - b. Fire resistive construction and building set-backs shall be provided in compliance with the California Fire Code as adopted and amended by Sonoma County Code.
 - c. This site address and parcel falls in the State Responsibility Area defined and verified by CalFire GIS data.
65. To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelts shall provide (1) increased safety for emergency fire equipment and evacuating civilians; and (2) a point of attack or defense from a wildfire, and shall be in accordance with the California Fire Code as adopted and amended by Sonoma County Code and Sonoma County Fire Safe Standards.
 - a. In areas designated as high- or very-high fire severity areas, an approved vegetation management plan and agreement to perform annual maintenance shall be provided by the applicant and approved by the County Fire Marshal.
 - b. An affirmative covenant, that includes a vegetation management maintenance agreement approved by the County Fire Marshal, which shall run with the land in perpetuity, shall be provided.
66. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

67. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP13-0019 as modified by these conditions. This Use Permit allows a year-round nature retreat facility with the following structures and uses on the 162.30 acre parcel (APNs 030-080-009 and 028-270-038):
 - a. Improvements
 - i. Main Lodge (15,427 square feet): Remodeled single-family dwelling with three guest rooms (units), guest lounge, dining area, and a commercial kitchen and spa treatment room (not open to the general public).
 - ii. Guest Cottages (723 to 857 square feet per guest unit): Three structures housing six guest units (no kitchens).
 - iii. Exercise Studio (2,196 square feet): For group and/or individual exercise and educational classes.
 - iv. Barn (4,268 square feet): To house animals and store agricultural equipment.
 - v. Accessory: Buildings, utilities, access, gardens, and parking.

- b. Uses
 - i. Lodging for the purposes of a natural resources/wellness and educational retreat center, wherein substantially all guest services are provided on site, including food preparation for only lodge guests and employees.
 - ii. Spa services (e.g., massage and facials)
 - iii. Guest activities. Activities with little to no environmental and neighborhood impacts, such as hiking, bicycling, bouldering, kayaking, nature and agricultural education, wellness and movement classes, crafts, indoor movies, and use of electric vehicles. A complete list of activities is found in the project proposal statement dated March 2014.
 - iv. Accessory agricultural production and processing of animals and plants for food and spa products, not including winemaking, distillation, or animal slaughtering.
 - v. Incidental milling of fuel reduction timber for non-commercial, on-site use only (e.g., beams and furniture).
 - vi. Land management.
 - vii. This Use Permit does not allow cultural events, outdoor amplified music, or non-electric motorized activities (with the exception of vehicles used for typical transportation and maintenance activities).

68. Maximum site occupancy shall not exceed 49 people (e.g., guests, workers, etc.). Guests and visitors to the site are allowed by appointment or invite only; the site shall not be open to the general public. The retreat center hours of operation are 24 hours a day, seven days a week. This Use Permit allows a maximum of 18 overnight guests, plus 12 non-overnight guests five days a year and not to exceed two days a month, plus a maximum of 30 non-overnight guests a maximum of four days each year only when site occupancy does not exceed six guests. The 12 non-overnight guests must be invited by an overnight guest or directly related to the activity in which he/she is participating (e.g., a farmer participating in farm-to-table food preparation or a biologist participating in a hike and nature film viewing). Events, including weddings, are not allowed with this Use Permit.

Noise:

69. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.		

70. No boats powered by internal combustion engines, jet skis, water skiing or other motorized recreational equipment shall be allowed on the pond.

71. If noise complaints are received from nearby residents, and they appear to be valid complaints in

PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

72. Special events were not requested in this Use Permit and therefore are not authorized by this Use Permit.

Amplified Music:

73. No indoor amplified sound shall be heard from the property line.

Planning Fees:

74. At the time of submitting a building permit application, the applicant shall submit to PRMD a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.
75. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
76. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.

PRIOR TO BUILDING/GRADING PERMIT PHASE

77. The project proposal includes dedication of 100 acres of the project site in a conservation easement. Prior to building permit issuance, the applicant shall make an irrevocable offer of a conservation easement to Sonoma Land Trust or the Sonoma County Agricultural and Open Space District. The applicant shall update PRMD on the status of the conservation easement on a quarterly basis and submit a copy of said conservation easement to PRMD upon recordation. The conservation easement shall be recorded prior to final occupancy of the lodge facility.
78. The Project Review planner shall review and approve the applicant's marketing material directing guests to the site from Napa County prior to building permit issuance.
79. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
80. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
81. All building and/or grading permits shall have the following note printed on plan sheets:
- "In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as

charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."

82. Low-flow showerheads and faucet aerators shall be installed in all dwelling and guest units (Low water use toilets are currently required by State Law).
83. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dripline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.
84. Prior to building permit Issuance a landscape permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091. <http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>.
85. The applicant shall register with the Auditor's office for payment of Transient Occupancy Taxes prior to issuance of building permits.
86. The following dust control measures will be included in the project:
 - a. Water or alternative dust control method shall be sprayed to control dust on unpaved construction, soil stockpiles, and staging areas during construction as directed by the County.
 - b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
 - c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.

Mitigation Monitoring: Prior to issuance of grading or building permits, PRMD staff shall ensure that the dust control measures are listed on all site alteration, grading, building or improvement plans.

87. Prior to construction, existing Napa false indigo plants outside the direct impact area will be protected by fencing to prevent inadvertent encroachment into the area by workers or equipment. A mandatory worker's education program will be conducted by a qualified biologist prior to construction to inform the workers about the Napa false indigo plant and other special-status plants that could also be encountered during construction.

Mitigation Monitoring: Prior to issuance of any grading permit, a qualified biologist shall provide a letter to the PRMD Project Planner confirming that protective fencing has been installed around

Napa false indigo plants outside the direct impact area, and that he/she has conducted the mandatory worker's education program about Napa false indigo and other special-status plants.

88. Prior to issuance of a ground-disturbing permit, the applicant shall implement the tree protection program described in the Tree Preservation and Protection Plan dated July 18, 2013. Protection measures include, but are not limited to, properly identifying driplines, installing tree protection fencing, limitations on grade changes, and trenching techniques.

Mitigation Monitoring: Prior to issuance of a ground-disturbing permit, a qualified arborist shall provide written confirmation to the PRMD Project Planner that the tree protection program described in the Tree Preservation and Protection Plan dated July 18, 2013 has been implemented.

89. The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the project geotechnical report (PJC & Associates dated July 18, 2013). The geotechnical engineer shall submit an approval letter for the engineered grading plans prior to issuance of the grading permit. Prior to final of the grading permit the geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring: PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements.

90. Construction activities for this project shall be restricted as follows:
- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
 - b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
 - c) There will be no start up of machines nor equipment prior to 7:00 a.m., Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m. nor past 7:00 p.m., Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.
 - d) Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
 - e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.

The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Manager's phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring: Prior to issuance of ground-disturbing permits, the PRMD Project Planner shall ensure that the construction noise mitigation measures are listed on all site alteration, grading, building, or improvement plans. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

(Ongoing)

Design Review:

91. All new structures, lighting, landscaping, and signs shall require final design review by the Design Review Committee prior to issuance of building permits. All exterior finishes shall be of non-reflective materials and colors.
92. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review by the Design Review Committee. Exterior lighting shall be low mounted, downward casting, Dark Sky compliant and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures; parking lot fixtures shall not exceed 20 feet in height. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated. All exterior light fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
93. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ1 for dark areas) standards from Title 24 effective October 2005.

Construction Phase:

94. Following construction, the existing Napa false indigo plants will be mapped and an educational brochure prepared for guests at the facility that describes the plant, its status, and instructs those hiking around the property to avoid trampling the plant. Hiking trails developed in the area will avoid areas where this species is located to the extent practicable. Plants located nearest the guest cottages will have information signs posted near the plant to allow the guest to learn what the plant looks like so that they can avoid trampling it as they move about the property.

Mitigation Monitoring: Prior to occupancy, a qualified biologist shall provide to the PRMD Project Planner a map of existing Napa false indigo plants, the education brochure, photos of the informational signs, and a letter confirming he/she has inspected hiking trails to ensure the plant has been avoided to the maximum extent practicable.

95. Three dozen Napa false indigo plants will be propagated by a professional native plant nursery or a professional horticulturalist with experience propagating native plants, and planted at selected locations nearest to where plants will be directly affected by construction. These plants will be monitored for five years to document establishment of the plants. At the end of five years additional plantings will occur if any of the shrubs died during the monitoring period.

Mitigation Monitoring: Prior to occupancy, a qualified biologist shall provide to the PRMD Project Planner a letter and photos documenting 36 professionally propagated Napa false indigo plants have been planted near the construction areas, and confirming the plants will be monitored for five years. Five years after the planting date, a qualified biologist shall submit to the PRMD Project Planner the monitoring results and evidence that additional plantings were installed, if necessary.

96. Pre-construction surveys for frogs will be conducted by a qualified biologist approved by USFWS will be conducted within 14 days before construction begins. If any California red-legged frogs are found, the biologist will capture the frog or frogs for relocation to a suitable area, and will immediately contact USFWS in Sacramento. No construction will occur until the agency has determined what measures will be necessary to protect additional California red-legged frogs in the area from harm during construction activities. Such measures may include installing frog-proof fencing around the construction and staging areas, with additional fencing at night across access roads, and a requirement that the qualified biologist or a biological monitor trained by the qualified biologist be present throughout the construction period. These measures, coupled with Best Management Construction Practices to control storm water runoff, dust control, prohibitions against leaving foods that might attract predators, etc., will reduce potential construction impacts to

California red-legged frogs.

Mitigation Monitoring: Within 14 days of the start of any construction, a qualified biologist shall perform pre-construction surveys for California red-legged frog and shall provide his/her written findings to the PRMD Project Planner. If any California red-legged frogs are found, the biologist will follow the protocol described in the Initial Study.

97. A pre-construction survey for nesting birds, including raptors, will be performed 14 days prior to the start of construction. A qualified avian biologist will conduct raptor and passerine nest surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities at the Project site to locate any active nests on or adjacent to the Project site. If land-clearing activities can be performed outside of the nesting season (generally between September 1 and January 31) no preconstruction surveys for nesting birds are warranted.

Pre-construction surveys will be conducted no more than 14 days prior to the start of construction or ground disturbing activities if the activities occur during the nesting season (February 1 to August 31). Preconstruction surveys will be repeated at 30-day intervals until construction has started. Active nests will be identified, located, and described and protective measures will be implemented. Protective measures will include establishment of clearly delineated (i.e., Visi-barrier, orange construction fencing) exclusion zones around each nest site. The barrier will be installed at least 300 feet from the dripline of the raptor nests or nest trees and 50 feet from passerine nests or nest trees. The active nest sites within exclusion zones will be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance or nest abandonment. The barriers marking exclusion zones will remain in place until the young have left the nest and are foraging independently or if the nest is no longer active.

Mitigation Monitoring: Within 14 days of the start of any construction, tree pruning, tree removal, or ground-disturbing activities, a qualified avian biologist shall perform pre-construction surveys for raptor and passerine nests on or adjacent to the project site and shall provide his/her written findings to the PRMD Project Planner. If land-clearing activities can be performed outside of the nesting season (generally between September 1 and January 31) no preconstruction surveys for nesting birds are warranted. If active nests are found, the biologist will follow the protocol described in the Initial Study.

98. A qualified bat biologist will perform a survey prior to the scheduled construction and at the appropriate time of year, as to determine the species of bat(s) and type of roosts present at the Project site. For purposes of this Project, a “qualified bat biologist” is defined as a bat biologist, who holds a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle and collect bats. The survey will take place when bats are present, identifiable, and conducted at time when the type of roost can be determined (i.e., day roost, night roost, maternity roost).

If no evidence of bats is found during the pre-construction bat surveys than no further mitigation would be required. If, however, evidence of bats is found the following mitigation measures will be implemented.

If the bat species are discovered or if evidence of recent prior occupation is established, construction shall be scheduled such that the activities minimize impacts to bats. Hibernation sites with evidence of prior occupation will be sealed before the hibernation season (November - March), and nursery sites will be sealed before the nursery season (April - August). If the site is occupied, then the action will occur either prior to or after the hibernation season for hibernacula and after August 15 for nursery colonies. Construction will not take place as long as the site is occupied.

If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals will be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFW), by opening the roosting area to allow airflow through the cavity. Demolition will then follow at least one night after initial disturbance for airflow. This

action will allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed will first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.

Mitigation Monitoring: A qualified bat biologist shall perform a pre-construction survey before construction at the appropriate time of year (i.e., when bats are present, identifiable, and when the type of roost can be identified) and provide written findings to the PRMD Project Planner. If evidence of bats is found, then the biologist will follow the protocol described in the Initial Study.

99. Prior to occupancy, the applicant shall pay in-lieu fees, or provide evidence of replanted trees, or a combination of the two, in order to mitigate for tree removals. Specifically, the applicant must plant 69 15-gallon native trees, or 35 24"-boxed native trees, or pay \$13,800 in-lieu fees, or a combination of these options.

Mitigation Monitoring: Prior to occupancy, the applicant shall pay in-lieu fees, or provide evidence of replanted trees, or a combination of the two, to the PRMD Project Planner in order to mitigate for tree removals.

100. All Sudden Oak Death host species plants and plant parts that are pruned or cut at the project site as part of this project must be disposed of within the limits of Sonoma County. Foliage that is chipped on site shall not be placed where it can enter waterways.

Mitigation Monitoring: Prior to occupancy, a qualified arborist shall provide written confirmation to the PRMD Project Planner that Sudden Oak Death host species plants and plant parts removed as part of the project were disposed of within Sonoma County, and that any chipped foliage placed on-site did not enter waterways.

USE PERMIT OPERATIONAL REQUIREMENTS

101. The use shall be operated in accordance with the proposal statement dated March 2014 and site plan located in File No. PLP13-0019 as modified by these conditions. This includes the environmentally superior construction and land management techniques discussed in the project proposal statement.
102. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
103. The applicant shall maintain a minimum of 20 parking spaces on-site to serve the nature retreat facility. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
104. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
105. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification

of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

106. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
107. In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.