

**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

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**DATE:** July 21, 2009  
**TO:** Board of Supervisors  
**FROM:** Blake Hillegas, Project Planner  
**SUBJECT:** PLP08-0089, Stripe N Seal, Dan Fowler

**Action of the Planning Commission:**

At its regularly scheduled meeting on May 21, 2009, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the request by Stripe N Seal, Dan Fowler, for a: 1) General Plan Amendment to change an 8 acre site from the RR (Rural Residential) land use designation to the LI (Limited Industrial) land use designation; 2) South Santa Rosa Area Plan Amendment to change the land use designation on the easterly two-thirds of the parcel from Rural Residential to Light Industrial; 3) Zone Change from the AR (Agriculture and Residential) B6 3 (3 acre density) VOH (Valley Oak Habitat) District to the M3 (Limited Rural Industrial) VOH District; and 4) Use Permit for a contractor's storage yard at 4310 Santa Rosa Avenue, Santa Rosa; APN 045-041-032; Supervisorial District No. 3.

**ISSUES DISCUSSED AT THE PUBLIC HEARING**

**Issue #1:** What were the Sonoma County Water Agency's comments on the proposed encroachment into the streamside conservation area?

**Discussion**

The Sonoma County Water Agency has reviewed and supports the use of a portion of the streamside conservation area on the project site and the proposed landscape improvements within the abutting Water Agency channel as noted in a Water Agency memorandum attached as Exhibit M.

The General Plan designates a 50 foot wide streamside conservation area from the top of bank of the Water Agency channel abutting the project site. The waterway is developed as an engineered flood control channel, including engineered 2:1 slopes with a maintenance road at the top of bank. Existing landscaping on the water agency's portion of the conservation area consists primarily of non-native grasses and trees. Approximately 28 feet of the 50 foot wide conservation area lies on the project site and does not contain any riparian vegetation. Therefore, the proposed 15 foot encroachment into the conservation area is on private property and would not affect water agency property. The encroachment is proposed to accommodate truck circulation, due to a substantial area of the project site being devoted to a newly installed septic system and reserve area.

In exchange for the proposed General Plan amendment, the applicant has developed a landscape plan in accordance with Sonoma County Water Agency requirements to enhance the waterway channel by planting native trees and shrubs on both sides of the channel. As previously noted, the Water Agency has reviewed and supports the proposed use of a portion of the streamside conservation area on the project site and native landscape improvements within the water agency channel.

#### Resolution

The Planning Commission determined that the use of a portion of the streamside conservation area by the project would not impact any areas with substantial riparian value or function in accordance with General Plan policy. In fact, the proposed addition of native landscaping along the streamside in partnership with the Sonoma County Water Agency would enhance fish and wildlife habitat and the riparian and aesthetic value of the waterway. In addition, the existing maintenance road will remain and could be utilized as a future public trail, consistent with the draft update of the Bikeways Master Plan and the draft Outdoor Recreation Plan.

**Issue #2:** How would the proposed landscaping within the stream channel be maintained?

#### Discussion

Commissioner Fog asked whether the proposed landscaping within the streamside area would be maintained. The Sonoma County Water Agency has indicated by memorandum (attached as Exhibit M) that landscape maintenance will be required as it is a critical component of the streamside enhancement. The memorandum notes that it will be necessary for the applicant to irrigate the plants and replace plants that don't survive, usually for a period of three years. The applicant will be required to obtain a revocable license from the Water Agency prior to the start of any construction within the channel.

#### Resolution

The Planning Commission's recommendation includes Condition of Approval #49 which requires the installation and maintenance of landscaping along the waterway in accordance with Water Agency requirements.

Staff recommends that the Board consider adding the following Flood and Drainage condition #50 as agreed to by the applicant:

50. Prior to the start of any work within a Sonoma County Water Agency (SCWA) easement or right-of-way, SCWA shall review the proposed work and submit a letter of clearance to the Drainage Review Section of the Permit and Resource Management Department. The following note shall be placed prominently on the grading plans: "The contractor shall obtain a revocable license from the Sonoma County Water Agency prior to the start of any construction activities within any Sonoma County Water Agency easement or right-of-way."

**Issue #3:** What would the proposed permeable paving consist of? How would storm water

runoff be handled?

#### Discussion

The plans show permeable paving (aggregate base). Commissioner Lynch asked what was intended for permeable paving. As noted in the project description, the applicant intends to utilize compacted base rock to accommodate on site storage and vehicular travel, except a small area of asphalt at the project entrance.

Drainage on the site would involve surface flow through the aggregate base to existing and proposed bioswales and urban storm water storage areas for natural filtration, before overflowing into existing storm pipes and discharging into the abutting waterway.

Project grading and drainage plans shall demonstrate that no adverse impacts to drainage facilities would occur within the Flood Prone Urban Area.

#### Resolution

The Planning Commission's recommendation includes Conditions of approval #36 and #37, which require that the final grading and drainage plans comply with National Pollutant Discharge Elimination System and Standard Urban Stormwater Mitigation requirements.

Staff recommends that the Board consider adding the following Flood and Drainage condition #38 as agreed to by the applicant:

38. The proposed project is located within the Flood Prone Urban Area FPUA boundary. The grading/site plans for the proposed project must demonstrate zero net fill or an engineering analysis shall be provided as part of the drainage report that demonstrates no adverse impact to the drainage within the FPUA will result from the fill placement and related improvements.

**Issue #4:** Commissioner Fogg asked whether there was an easement to allow maintenance of the shared access road.

#### Discussion

The applicant has access easement rights over the paved shared driveway extending from Santa Rosa Avenue as noted in the grant deed for the property (Exhibit N). There is not currently a road maintenance agreement associated with the easement. However, the applicant intends to improve and maintain the road, as necessary.

#### Resolution

The Planning Commission's recommended condition of approval #45 requires that the applicant pave and improve the existing driveway to a minimum width of 20 feet from Santa Rosa Avenue to the project site.

#### **List of Attachments:**

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Draft Board of Supervisors Resolution

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Draft Ordinance
- EXHIBIT C: Draft Sectional District Map
- EXHIBIT D: General Plan Land Use Map
- EXHIBIT E: Zoning Map
- EXHIBIT F: Vicinity Map
- EXHIBIT G: Aerial Photo
- EXHIBIT H: Site Photo
- EXHIBIT I: Site/Landscape Plan
- EXHIBIT J: Site Cross Sections
- EXHIBIT K: Planning Commission Resolution No. 09-014
- EXHIBIT L: Planning Commission Minutes dated July 21, 2009
- EXHIBIT M: Memorandum and email from the Sonoma County Water Agency
- EXHIBIT N: Grant Deed, including shared access driveway easement
- EXHIBIT O: Planning Commission Staff Report dated July 21, 2009

Separate Attachment - Mitigated Negative Declaration and 11X17 plans

# SONOMA COUNTY BOARD OF SUPERVISORS

## EXHIBIT A

### Draft Conditions of Approval

**Date:** July 21, 2009  
**Applicant:** Dan Fowler  
**Address:** 4310 Santa Rosa Avenue

**File No.:** PLP08-0089  
**APN:** 045-041-032

**Project Description:** Request for 1) a General Plan Amendment to change an 8 acre site from the RR (Rural Residential) land use designation to the LI (Limited Industrial) land use designation; 2) a South Santa Rosa Area Plan Amendment to change the land use designation on the easterly two-thirds of the parcel from Rural Residential to Light Industrial; 3) a Zone Change from the AR (Agriculture and Residential) B6 3 (3 acre density) VOH (Valley Oak Habitat) District to the M3 (Limited Rural Industrial) VOH District; and 4) a Use Permit for a contractor's storage yard. This Use Permit allows a contractor's storage yard with 35 employees and the construction of a 5,184 square foot modular administrative office, including an employee training room to be utilized for employee safety training. The Use Permit covers the construction of a 4,000 square foot enclosed pole barn to accommodate minor maintenance and repair of vehicles and equipment and a self contained wash rack. No major engine or transmission overhauls are permitted. Hours of operation are from 5 a.m. to 7 p.m., seven days a week.

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

#### **BUILDING:**

1. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department. The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit. This permit shall not vest until the water supply system has been designed and submitted for the water supply permit and a building permit has been issued for building construction.
2. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the California Building Code (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.

All construction activities shall meet the California Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.). Construction plans shall be subject to review and approval of PRMD prior to the issuance of a building permit. All work shall be subject to inspection by PRMD and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

Mitigation Monitoring: Building/grading permits for ground disturbing activities will not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirement.

3. 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 geotechnical report prepared by PJC & Associates July 2008. The geotechnical engineer shall certify the design conforms to the soils report recommendations. 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.

**TRANSPORTATION AND PUBLIC WORKS:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

4. Prior to issuance of a building permit the applicant shall pay Traffic Mitigation fees to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.

**HEALTH:**

PRIOR TO BUILDING PERMIT:

Water:

5. Prior to building permit issuance, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate 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.
6. Prior to the issuance of building permits, 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.) 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. This permit shall not vest until the water supply system has been designed and submitted for the water supply permit and a building permit has been issued for building construction.
7. If a water supply permit is required, then the water supply well is required to have a 50 foot annular seal. 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.
8. If a new well is required, the applicant shall abandon existing well(s) under permit from the Well and Septic Section of the Permit and Resource Management Department prior to issuance of a building permit. This division may review a request to upgrade the well to current standards relating to setbacks and annular well seals.
9. Prior to the issuance of any building 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 AM to 5:00 PM. All easement language is subject to review and approval by PRMD-Project Review and County Counsel prior to recordation.

Septic:

10. Prior to building permit issuance, 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 Division that all required septic system testing and design elements have been met. Note that SEP08-0249 has been built.

11. Prior to building permit issuance, the applicant shall install suitable traffic barriers to protect the septic system and reserve area from vehicle traffic. The barriers shall consist of traffic bollards, large rocks, large logs or other significant objects that will strongly discourage vehicle traffic in the septic system areas.
12. Prior to building permit issuance, the applicant shall remove sufficient fill to ensure that the septic system does not suffer from a bowl effect (the septic system itself cannot be built on fill, but if the septic system is surrounded by fill, it will collect rainwater).
13. Prior to building permit issuance the applicant shall abandon existing septic tank(s) under permit and inspection from the Well & Septic Section of the Permit and Resource Management Department. The Project Review Health Specialist shall receive a copy of the "finalized" abandonment permit.
14. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits. For planned tenant improvements, installed central water and wastewater lines the length of the building with appropriate breakout floor design is acceptable.

PRIOR TO OCCUPANCY:

Water:

15. Prior to occupancy, any new or existing water well serving this project shall be fitted with a water meter to measure all groundwater extracted for this use.

OPERATIONAL REQUIREMENTS:

Water:

16. A safe, potable water supply shall be provided and maintained.
17. 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 RC-3b of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance.
18. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD-project review at least once every five years.
19. If groundwater use exceeds 2.0 acre-feet per year, the operator/owner shall apply for a modification of the Use Permit to reflect the expanded use.

Septic:

20. Maintain the annual operating permit for any Alternative (mound or pressure distribution) or Experimental Sewage Disposal System installed per Sonoma County Code 24-32.
21. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.

- 22. 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.
- 23. All vehicle and equipment washing on-site shall be done with a closed loop system as described in the project description, and shall not be discharged to the ground or to the on-site wastewater disposal system. Electrical and plumbing permits, as appropriate, shall be obtained.

Hazardous Materials Program:

- 24. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Noise:

- 25. On-site vehicle repair and maintenance shall only occur in the pole barn and shall be minor in nature (as stated in the project description) so as to reduce the frequency of use of air impact tools, sanders, grinders and other loud tools and equipment.
- 26. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

**Maximum Exterior Noise Level Standards, dBA**

| Cumulative Duration of Noise Event in Any One-Hour Period | Daytime                 | Nighttime               |
|---|-------------------------|-------------------------|
|   | 7:00 a.m. to 10:00 p.m. | 10:00 p.m. to 7:00 a.m. |
| 30 - 60 Minutes   | 50                      | 45                      |
| 15 - 30 Minutes   | 55                      | 50                      |
| 5 - 15 Minutes  | 60                      | 55                      |
| 1 - 5 Minutes   | 65                      | 60                      |
| 0 - 1 Minutes   | 70                      | 65                      |

Limit exceptions to the following:

- A. If the ambient noise level exceeds the standard, adjust the standard to equal the ambient level.
  - B. Reduce the applicable standards by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
  - C. Reduce the applicable standards by 5 decibels if they exceed the ambient level by 10 or more decibels.
- 27. 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. Failure to install the additional noise control measure(s) will be considered a violation of the Use Permit conditions.

Mitigation Monitoring: If noise complaints continue, PRMD shall investigate complaints. 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)

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

#### BUILDING:

##### Solid Waste:

29. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the Building Plan Check Section of PRMD. (Fees may apply.) Note that trash trucks must have at least a 32 foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

#### **FLOOD AND DRAINAGE**

30. Grading and/or building permits require review and approval by the Drainage Review Section of the Permit and Resource Management Department prior to issuance.
31. All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the County Subdivision Ordinance (Chapter 25, Sonoma County Code) and erosion control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code and Building Ordinance (Chapter 7, Sonoma County Code).

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above condition is printed on applicable building, grading and improvement plans. The developer shall be responsible for notifying construction contractors about code requirements.

32. A drainage report for the proposed project shall be prepared by a civil engineer and be submitted with the grading and/or building permit application. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps, hydrologic calculations, hydraulic calculations, and an analysis for all pertinent existing and proposed drainage facilities.
33. Drainage improvements shall be designed by a civil engineer in accordance with the Sonoma County Water Agency Flood Control Design Criteria, be shown on the improvement plans, and be submitted to the Drainage Review Section of the Permit and Resource Management Department for review and approval.

Mitigation Monitoring: Grading or Building permits shall not be issued until clearance has been obtained from PRMD Drainage Review and all requirements of the Flood Control Design Criteria have been met.

34. The applicant/design engineer shall provide a grading/site plan which clearly shows all existing and proposed land features, elevations, roads, driveways, buildings and drainage facilities such as

swales, channels, closed conduits, or drainage structures. Additionally, the grading plans must show the finished floor elevation of any proposed buildings and the limits of grading work.

35. The applicant/design engineer shall provide 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. The Erosion and Sediment Control Plan shall include the following measures as applicable:
- a) Throughout the construction process, groundwater disturbance shall be minimized and existing vegetation shall be retained to the extent possible to reduce soil erosion. All construction and grading activities, including short-term needs (equipment staging areas, storage areas and field office locations) shall minimize the amount of land area disturbed. Whenever possible, existing disturbed areas shall be used for such purposes.
  - b) All drainage ways shall be protected from silt and sediment in storm runoff through the use of silt fences, diversion berms, and check dams. 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. Fill slopes shall be compacted to stabilize. All exposed surface areas shall be mulched and reseeded and all cut and fill slopes shall be protected with hay mulch and /or erosion control blankets as appropriate.
  - c) Material and equipment for implementation of erosion control measures shall be on-site by October 1<sup>st</sup>. All grading activity shall be completed by October 15<sup>th</sup>, prior to the onset of the rainy season, with all disturbed areas stabilized and revegetated by October 31<sup>st</sup>. Upon approval of PRMD, extensions for short-term grading may be allowed. PRMD in conjunction with any specially permitted rainy season grading may require special erosion control measures.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The developer shall be responsible for notifying construction contractors about erosion control requirement.

36. 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 Drainage Review Section of the Permit and Resource Management Department prior to Grading/Building permit issuance.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue Building or Grading Permits until the above documentation is provided.

37. The proposed project is subject to Standard Urban Storm Water Mitigation Plan (SUSMP) guidelines. Measures to mitigate the project impacts to the quality of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. No Grading or Building permit for the project will be issued until a Final Storm Water Mitigation Plan is approved by the Drainage Review Section of the Permit and Resource Management Department.

Mitigation Monitoring: The Permit and Resource Management Department will not grant Final Design Review approval until it has been verified that Preliminary SUSMP has been modified to the satisfaction of the PRMD Drainage Review Section. The Permit and Resource Management Department will not issue the Grading permit until it has been verified that a Final SUSMP has been approved by Drainage Review.

38. The proposed project is located within the Flood Prone Urban Area FPUA boundary. The grading/site plans for the proposed project must demonstrate zero net fill or an engineering analysis shall be provided as part of the drainage report that demonstrates no adverse impact to the drainage within the FPUA will result from the fill placement and related improvements.
39. Polluted runoff from waste receptacles shall not be allowed to drain directly to the storm drain system and shall be directed to the septic system as necessary.
40. The following dust control measures shall be included on the grading and construction plans for the project:
  - A. Water or other dust palliatives will be applied to unpaved portions of the construction site, unpaved roads, parking areas, staging areas and stockpiles of soil daily as needed to control dust.
  - 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 any visible soil that has been carried onto them from the project site.
  - D. Best Management Practices outlined in the Storm Water Pollution Prevention Plan (SWPPP), dated August 12, 2008.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on the Building, Grading and Improvement plans. The developer shall be responsible for notifying construction contractors about the requirement for dust control measures to be implemented during construction. If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it is determined by PRMD staff that complaints are warranted, the permit holder shall implement additional dust control measures as determined by PRMD or PRMD may issue a stop work order. (Ongoing during construction)

**PLANNING:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

41. This Use Permit allows a contractor's storage yard with 35 employees and the construction of a 5,184 square foot modular administrative office building, including an employee training room to be utilized for employee safety training. The Use Permit covers the construction of a 4,000 square foot enclosed pole barn to accommodate the minor maintenance and repair of vehicles and equipment and a self contained wash rack. No major engine or transmission overhauls are permitted. Hours of operation are from 5 a.m. to 7 p.m., seven days a week. This Use Permit (PLP08-0089) shall supercede all prior Use Permits upon implementation or when all pre-operational conditions have been met and the Use Permit is vested.
42. The use shall operate in accordance with the project proposal statement, site plans, and staff report for File Number PLP08-0089, unless otherwise modified by these conditions. Expansion of the use without obtaining approval shall constitute a violation of this permit.
43. All applicable county development fees shall be paid prior to building permit issuance and start-up of the use.
44. Prior to issuance of a grading permit, the project is required to obtain final design review and approval consistent with the Design Review Committee's comments. At minimum, the final design plans shall include a detailed landscape and irrigation plan, fence details, building design and

colors, and lighting and signing details. A minimum 30% of the trees shall be 24" box size trees.

Mitigation Monitoring: The Permit and Resources Management Department will not issue a grading permit for proposed construction until the final design details been approved. In addition, the Permit and Resources Management Department will not sign off on final occupancy of the Building Permit until a site inspection of the property has been conducted that indicates that site improvements have been installed in accordance with approved plans.

45. A Water Conservation Plan shall be submitted for all buildings prior to Building Permit issuance, subject to PRMD review and approval. The Water Conservation Plan shall include, at a minimum, proposals for low flow fixtures. The measures in the Plan shall be implemented and verified by PRMD staff prior to Certificate of Occupancy.
46. The shared private driveway accessing the site shall be paved and improved to a minimum width of 20 feet from Santa Rosa Avenue to the project prior to final building occupancy.
47. Prior to issuance of a Building Permit, the developer shall post security in the form of a bond, cash deposit or other form acceptable to the County Counsel to assure that the required landscape planting and irrigation improvements are completely constructed in accordance with the construction documents approved by the Design Review Committee. The developer shall enter into an agreement with the County which provides for the landscape planting and irrigation improvements to be completed in accordance with the construction documents approved by the Design Review Committee within twelve (12) months of the date that Final Design Review approval of the project was granted by the Design Review Committee, or prior to Final Inspection or occupancy of the building(s), whichever occurs first.
48. Prior to the release of security posted to insure the installation of landscape planting and irrigation improvements, and prior to Final Inspection or occupancy of the building, the developer shall provide to the Permit and Resource Management Department, a written statement signed by the Landscape Architect verifying that the landscape planting and irrigation improvements are completed in accordance with the approved drawings.
49. The applicant, in partnership with the Sonoma County Water Agency, shall install and maintain landscaping along the Wilfred Channel according to the approved plans. The plan shall include native riparian species as required by the agency. The goal of the plan is to restore the natural and beneficial characteristics of the riparian community within the waterway and waterway setback area. Prior to obtaining final occupancy of any buildings, all landscaping shall be installed.

Mitigation Monitoring: Prior to issuance of a grading permit, PRMD will verify that the construction plans include final landscape and irrigation plans as approved by the Design Review Committee.

50. Prior to the start of any work within a Sonoma County Water Agency (SCWA) easement or right-of-way, SCWA shall review the proposed work and submit a letter of clearance to the Drainage Review Section of the Permit and Resource Management Department. The following note shall be placed prominently on the grading plans: "The contractor shall obtain a revocable license from the Sonoma County Water Agency prior to the start of any construction activities within any Sonoma County Water Agency easement or right-of-way.
51. All site landscaping shall be continuously maintained in a healthy and attractive condition, free of weeds and debris, and in accordance with approved plans. Dead and dying plant material shall be replaced with healthy specimens as necessary to maintain screening of the site.
52. A Water Conservation Plan shall be submitted for all landscaping prior to Building Permit issuance, subject to PRMD review and approval. The Water Conservation Plan shall comply with all provisions of the County Low Water Use Landscaping Ordinance and the State and/or County Water Model Efficiency Ordinance as applicable. Verification, from a qualified irrigation specialist, that landscaping complies with the State and/or County Model Water Efficiency Ordinance shall

be provided prior to Building Permit issuance. The measures in the Plan shall be implemented and verified by PRMD staff prior to Certificate of Occupancy.

53. Prior to issuance of a grading permit, an exterior lighting plan shall be submitted for final design review and approval. Exterior lighting shall be low mounted, downward casting 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. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated. Pole lights shall not exceed 20 feet in height.

Mitigation Monitoring: The Permit and Resource Management Department will not issue the Building Permit until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. The Permit and Resource Management Department will not sign off final occupancy on the Building Permit until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and require the property be brought into compliance. (Ongoing)

54. 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 projects grading and landscape plans shall detail all tree protection implementation measures.

Mitigation Monitoring: PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). The Permit and Resource Management Department shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

55. 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.

Mitigation Monitoring: PRMD staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. 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 could stop work as appropriate. (Ongoing)

56. The following notes shall be included on building or grading plans for ground disturbing activities:

"If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a

building/grading permit and be responsible for notifying construction contractors about the requirement to cease construction if archaeological materials are found during ground disturbing activities. 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 proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The project planner shall work with the applicant in reviewing and revising construction plans if archaeological materials are found. (Ongoing during construction)

57. 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 site(s), 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 the Permit and Resource Management Department from the County Fire Marshal/Local Fire Protection District.
58. Hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids and hazardous materials shall be in accordance with Sonoma County Fire Code and the Department of Emergency Services. Prior to the issuance of building permits that application shall prepare a Hazardous Materials Management Plan subject to the review and approval of the Department of Emergency Services. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

Vehicle storage, and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill. During Construction a concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains.

Mitigation Monitoring: Final Sign off on building permits will not be granted until PRMD verifies that the hazardous materials management plan for operation of the use has been approved by the Department of Emergency Services.

59. Design plans for vehicle and equipment repair/maintenance bays shall not allow storm water run on or contact with storm water runoff. Repair/maintenance bay drainage system shall capture all washwater, leaks and spills and drains shall be collected to a sump for collection and disposal. Direct connection of drainage from repair/maintenance bays to storm drains is prohibited.
60. Prior to occupancy, the applicant/developer shall submit a plan to eliminate or substantially reduce the increase in greenhouse gas emissions on-site through all feasible strategies such as the use of more fuel efficient trucks, the use of alternative energy resources to offset increased demand, reduced truck idling times, of carbon off-sets and/or off-site mitigations subject to review and approval of PRMD . The plan shall quantify the project's annual emissions and expected reductions and be verified and certified by an independent entity acceptable to the County.
61. The property owner(s) shall execute a Right-to-Farm Declaration on a form provided by PRMD to be recorded and submitted to PRMD before issuance of a Grading or Building Permit.

62. 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.
63. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$1,993.00 (or latest fee in effect at the time of payment) because a Negative Declaration was prepared, for a total of \$2,043.00 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.
64. At the time of submitting a building permit application, the applicant shall submit to the permit and Resource Management Department 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 building permit issuance.
65. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
66. Any proposed modification, alteration, and/or expansion of the use beyond that authorized by this Use Permit shall require the prior review and approval of the Permit and Resource Management Department or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and full environmental review.
67. 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(s) 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.

68. 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.

In any case where a Use Permit has not been used within two (2) year 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.

**ORDINANCE NO.**

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM THE AR (AGRICUTURE AND RESIDENTIAL) B6 3 (3 ACRE DENSITY) VOH (VALLEY OAK HABITAT) ZONING DISTRICT TO THE M3 (LIMITED RURAL RESIDENTIAL) VOH (VALLEY OAK HABITAT) ZONING DISTRICT FOR PROPERTY LOCATED AT 4310 SANTA ROSA AVENUE, SANTA ROSA; APN 045-041-032.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The official zoning database of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, are amended by reclassifying the following real property from the AR-B6 3 (Agriculture and Residential 3 acre density) VOH (Valley Oak Habitat) District to the M3 (Limited Rural Industrial) VOH (Valley Oak Habitat) District for property at 4310 Santa Rosa Avenue, Santa Rosa, APN 045-041-032, File No. PLP08-0089. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the official zoning database of the County by adding Sectional District Map No. \_\_\_\_\_ to said database.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 21st day of July, 2009, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

|         |        |           |          |       |
|---------|--------|-----------|----------|-------|
| Kelley: | Brown: | Carrillo: | Kerns:   | Zane: |
| Ayes:   | Noes:  | Absent:   | Abstain: |       |

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

Background information is on file at:

County of Sonoma Board of Supervisors Office  
575 Administration Drive, Room 100A  
Santa Rosa, CA 95403

It can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.

Supporting maps are on file at:

County of Sonoma Board of Supervisors Office  
575 Administration Drive, Room 100A  
Santa Rosa, CA 95403

They can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.