

SONOMA COUNTY BOARD OF SUPERVISORS

EXHIBIT "A" Draft Conditions of Approval

Date: September 15, 2009 **File No.:** UPE07-0117
Applicant: [REDACTED] **APN:** 074-041-011
Address: 4700 Stoetz Lane, Petaluma

Project Description: Request for a minor Use Permit to increase a small family day care home of 8 children to a large family day care home for up to 14 children on a 1.5 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.

BUILDING:

1. 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.
2. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent 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, to retrofitting of the existing structure.

HEALTH:

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

PRIOR TO PROJECT OPERATION:

Water:

3. Prior to project operation, 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.

Noise:

4. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

Hourly Noise Metric¹, 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 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

¹ 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.

5. If valid complaints regarding operation of the use are received by PRMD, the applicant/operator shall engage in good faith mediation with the complainants to resolve the complaints. The applicant/operator shall commence the mediation within 60 days after notification of the complaints by PRMD. The mediation shall be with a mediator acceptable to PRMD. The cost of mediation shall be paid by the applicant/operator.
6. There shall be no amplified outdoor sound of any kind at any time on the subject site, including but not limited to: voice, radio, live or recorded music.

PLANNING:

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

7. This Use Permit allows the applicant to increase a small family day care home from eight to fourteen children. The permitted hours of operation are Monday through Friday, 7:00 a.m. to 6:00 p.m. The use shall be operated in accordance with the proposal statement and site plan located in File No. UPE07-0117 as modified by these conditions.
8. Prior to expansion of the use, the applicant shall submit an application for a one-year operational review ("Site Evaluation" at cost application, minimum 5 hour deposit). A noticed public hearing will be conducted by the Sonoma County Board of Supervisors to address any issues that may have arisen from the operation of the large family day care facility. The review will allow for modification of the Conditions of Approval or revocation of the Use Permit if deemed necessary by the Board of Supervisors.
9. It shall be stated in all childcare contracts that all parents shall obey all traffic laws and be aware of traffic impacts to the surrounding neighborhood.
10. This use shall be maintained and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. Any necessary permits from State agencies for the operation of a large family day care shall be secured prior to increasing the day care to over eight children and submit evidence to PRMD. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
11. 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 PRMD from the County Fire Marshal/Local Fire Protection District.
12. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owner(s) shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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..