

Draft Conditions of Approval

Staff:	Georgia McDaniel	Date:	December 8, 2022
Applicant:	Bennett Martin	File No.:	UPE19-0070
Owner:	Steve and Heather Law	APN:	051-040-018
Address:	211 Adobe Canyon Road, Kenwood		

Project Description: Request for a Use Permit to legalize an existing 688 square foot standalone wine tasting room on a 1.45-acre property. The tasting room will serve local wines (produced offsite) by appointment only, operated by the landowners seven days a week, between the hours of 10 a.m. to 5 p.m. Wine tasting is limited to a maximum of two tasting appointments per day, with up to five people and one car per appointment. There are no employees, food and wine pairing, events, or amplified music proposed.

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

PROJECT REVIEW FEES:

1. At the time of submitting a building permit application, the applicant shall submit to Permit Sonoma 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.
2. 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.
3. Construction of new or expanded non-residential development shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.

PERMIT SONOMA BUILDING:

4. 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.
5. 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.
6. Any 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.)

7. 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.
8. 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.

PERMIT SONOMA PROJECT REVIEW HEALTH:

PRIOR TO BUILDING PERMIT AND VESTING OF USE PERMIT

Water

9. Prior to building permit issuance and project operation, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of your water tested by a State-certified lab.

The Applicant shall submit: A copy of the State Certified Lab report to the Project Review Health Specialist for review.

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. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation:

- a. A deed restriction running with the land and acceptable to PRMD and County Counsel notifying subsequent property owners that treatment of the water supply is required as a condition of this Use Permit in order to meet State and Federal MCL's and provide potable water to all plumbing fixtures.
- b. Proof of a contract with a qualified service provider shall be submitted for routine/diagnostic water testing, monitoring, maintenance, and record keeping of the water supply system. Initial water test results before and after the water treatment device shall be submitted to PRMD Project Review Health Specialist.

Septic:

10. Prior to building permit issuance, the applicant shall obtain a permit for the *commercial wine tasting room 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 Applicant shall submit: Final clearance from the Well and Septic Section that all required septic system testing and design elements have been met to the Project Review Health Specialist.

11. Application for wastewater discharge requirements shall be filed by the applicant with the San Francisco Bay Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance).

The Applicant shall submit: Documentation of acceptance of a complete application, with no initial objections or concerns, by the Regional Water Quality Control Board to the Project Review Health Specialist.

12. Prior to building permit issuance and vesting the Use Permit, all parking, grading, plowing, large animal confines or other soil compaction/disturbances must be located *outside* of the septic reserve areas. Septic reserve areas shall have protective perimeter barriers installed. Sonoma County Onsite Wastewater Treatment System Regulations and Technical Standards, Section 3 definitions of septic expansion or reserve replacement area:

Reserve Replacement Area is an unencumbered portion of land that is reserved for the installation of a future OWTS, in the event of primary OWTS failure. The reserve replacement area must be suitable for an OWTS as demonstrated with acceptable percolation testing, groundwater conditions, and adequate depth to soil. Reserve Replacement area is sometimes referred to as expansion area. (*Expansion area. See reserve replacement area.*)

The Applicant shall submit: Evidence of installed septic reserve area perimeter barriers to the Project Review Health Specialist

13. Toilet facilities shall be provided for patrons and employees prior to occupancy and operation of the project.

The Applicant shall submit: A copy of the Floor Plan showing the location of the restrooms, prior to issuance of building permits, to the Project Review Health Specialist.

Consumer Protection:

14. Prior to the issuance of building permits 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 Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected.

Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope, frequency and any menu limitations specified under the Planning conditions in this Use Permit.

If the project will operate under a Wine Tasting Room Exemption, the exemption requires:

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control 02 license).
- b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged non-potentially hazardous beverages and crackers).
- c. Note that this Use Permit requires that if any of the following items are new or replacement installations they shall be built to CalCode standards: all flooring, counter tops, restrooms and sinks in the food or beverage service area. The goal is to minimize the need to replace new materials when a small change in the menu triggers the need for a Food Facility permit.

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions.

The Applicant shall submit: an e-mail of the approval from the Environmental Health & Safety Section or a copy of the Environmental Health Plan Check Approval to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

15. Prior to the issuance of building permits and the start of any construction, the pond and swimming pool on the property in close proximity to the commercial tasting room, shall be secured for public safety. Security at the *pond* for public safety includes:
- a) Posting “No Lifeguard on Duty” and “No Swimming” signs around the ponds, *and providing*
 - b) Lifeboats. The boat shall have the word “lifeboat” plainly printed or painted upon it. It shall be used for no purpose other than for the saving of life or for other cases of emergency. The boat shall be fully equipped with oars, oarlocks, and not less than two life preservers, and two hundred feet of rope. It shall be kept in good repair and near the resort, *or,*
 - c) Securely fencing the pond and swimming pool. Fencing shall be consistent with public swimming pool requirements of no less than 6 feet high, with no more than a 2’ gap between the fence bottom and the ground and no more than a 4 gap in any direction throughout the fence.

- d) Security at the *swimming pool* for public safety includes:
Securely fencing the swimming pool. Fencing shall be consistent with public swimming pool requirements of no less than 6 feet high, with no more than a 2' gap between the fence bottom and the ground and no more than a 4 gap in any direction throughout the fence.

Solid Waste:

16. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 34-foot turning radius at the trash enclosure and the dumpster must have 14 feet of overhead clearance with an additional 5 feet of clearance (total of 19 feet high) at the location where the bins are tipped.

The Applicant shall submit: A design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. Provide the Building plan page and detail number for the trash enclosures to the Project Review Health Specialist.

Vector Control:

17. 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 bringing the public onto a property with a pond and open air swimming pool, in close proximity to the project tasting room.

The Applicant shall submit: A copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District to the Project Review Health Specialist.

PRIOR TO OCCUPANCY:

Water:

18. Prior to occupancy and project operation, 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 2016 California Plumbing Code and subsequent editions adopted by Sonoma County.

The Applicant shall submit: A copy of the Cross Connection Control Specialist's initial report to the Project Review Health Specialist for review.

19. Prior to occupancy and project operation, backflow prevention devices shall be installed on the water supply system as recommended, after concurrence with the hazard evaluation and recommendations for cross connection control report by PRMD.

The Applicant shall submit: A letter from the Cross Connection Control Specialist to the Project Review Health Specialist stating that backflow prevention has been installed as recommended.

Septic:

20. Prior to building occupancy and project operation, all wastewater plumbing shall be connected to a sewage disposal system that has been constructed under permit for the proposed use by the PRMD Well and Septic Section.

The Applicant shall submit: A final clearance from the Well & Septic Specialist to the Project Review Health Specialist, that all required septic system testing, design elements, construction inspections and any required operating permits have been met.

Consumer Protection:

21. Prior to the operation of any retail food facility, a Food Industry Permit must be obtained from the Environmental Health Division of the Health Services Department.

The applicant shall submit: A letter of approval from the Environmental Health Division to the Project Review Health Specialist verifying compliance with requirements of the California Retail Food Code (CalCode).

OPERATIONAL REQUIREMENTS:

Water:

22. 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.
23. A safe, potable water supply shall be provided and maintained.

Septic:

24. Maintain the Annual Operating Permit for any package treatment plant, alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
25. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
26. 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. There must be *no parking, grading, plowing, large animal corrals, or other soil compaction/disturbances* in the septic reserve areas. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.
27. Portable toilets and portable hand-washing facilities shall be placed and maintained for employees as needed on the construction sites, but in no case shall they be serviced less than once per three days when 24 hour operations are conducted, and once per seven days when only daytime operations are conducted. The permittee shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited

to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.

Consumer Protection:

28. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health & Safety Section if required for the wine tasting activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged non-potentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged non-potentially hazardous beverages.

Contact the Environmental Health & Safety Section at 565-6547 for wine tasting information and instruction sheet.

29. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food.

Noise:

30. 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

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.

Adjusted TABLE NE-2: Maximum Allowable Exterior Noise Exposures for Outdoor Tasting Room Use Areas and Events

Hourly Noise Metric ¹ , dBA	Daytime ² (7 a.m. to 10 p.m.)	Nighttime Not allowed during nighttime hours (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	45	
L25 (15 minutes in any hour)	50	
L08 (4 minutes 48 seconds in any hour)	55	
L02 (72 seconds in any hour)	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.

² Adjusted down 5 dBA for speech and music.

31. Special events were not requested in this Use Permit and therefore are not authorized by this Use Permit.
32. 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.

Solid Waste:

33. 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:

34. Smoking is prohibited in any public area, in any dining area, service area (including entry lines or ticket purchase lines) 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.
35. 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.

TRANSPORTATION AND PUBLIC WORKS:

Intersections of Roads and Driveways:

36. The Applicant shall provide a sight distance statement providing evidence that the project’s existing entry meets the current AASHTO requirements for the speed traveled on the public road servicing the project site. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve minimum sight distance at each driveway.
37. The Applicant shall maintain all existing and proposed vegetation within the public right-of-way to preserve the sight distance triangles necessary to achieve the minimum AASHTO required sight distance at any project entryway where it intersects a public roadway.

Emergency Vehicle Access:

38. The Applicant shall locate entryway gates a minimum distance of 30 feet from the edge of the pavement, in accordance with Standard Detail 242

Fees:

39. The Applicant, his or her personal representatives, and project consultants are advised that the issuance of a building permit for any new building or prior to any new use of an existing building, payment of a development fee (Traffic Mitigation Fee) shall be made to Permit Sonoma (PRMD) per Chapter 26, Article 98 of the Sonoma County Code. The fee is computed multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. Project ADT is the sum of case production ADT and permitted event ADT. Credit is granted for existing, legal uses

Processing:

40. The Applicant shall obtain an Encroachment Permit issued by Permit Sonoma (PRMD) prior to constructing any improvements within County road right-of-way.

PERMIT SONOMA FIRE PREVENTION:

41. Prior to any construction, or changes in use of existing building or facilities, applicable Fire Code construction permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire Prevention Division.
- a. The applicant or owner shall demonstrate all existing use permit conditions are in compliance and recommend changes to address previously approved conditions set by the Fire Code Official.
42. Owners and Operators shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with the California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to: fire apparatus access roads; access to building openings and roofs; premises identification and road naming; gate access & key boxes; fire protection water supplies; and building features.
- a. **Access roads:** minimum emergency access is required to provide safe access for emergency fire equipment and civilian evacuation concurrently, and to allow unobstructed traffic circulation during a wildfire or other emergency.
- b. **Premises Identification and Road Naming:** Approved road names & signs, address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road shall be provided.
- c. **Gates:** Where gates or similar barriers are installed across access roads, an approved lock shall be installed as required by the fire code official.
- d. **Water Supply:** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises.
- e. **Building features:** Fire sprinklers and fire alarm system may be required based on existing and new use.
43. Owners and Operators shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code will be obtained from Sonoma County Fire or the local fire code official.
44. Owners and Operators shall provide a written “Fire Safety and Evacuation Plan” (as required by Section 403 and 404 of the California Fire Code) to Sonoma County Fire for approval. This includes but not limited to medial trained staff, fire watch, crowd managers. This plan shall be re-evaluated at any time when requested in writing by the fire code official.

45. Owners and Operators shall provide evidence to Sonoma County Fire that there are enough parking spaces to support the proposed activity without compromising emergency access. Parking ratio shall comply with industry standards.
46. Owners and Operators shall provide evidence to Sonoma County Fire that demonstrates compliance with Chapter 49 of the California Fire Code as adopted and amended by Sonoma County Code. This condition may be met by obtaining County Fire approval of a fire protection plan prepared by a qualified individual.
47. Due to the scope of this project a Fire Services Pre-Construction meeting or occupancy fire inspection is required at the applicant's cost with the local fire authority included.
 - a. This can be waived by written approval by the fire code official.

SONOMA COUNTY ENVIRONMENTAL HEALTH:

48. If a retail food facility or wine/beer tasting room is proposed, a Retail Food Facility Permit is required for each facility to store, prepare, package, serve or vend food; however the California Health and Safety Code exempts wine/beer tasting activities, provided the wine/beer tasting activities include no food is being served or sold, with the exception of crackers and pre-packaged non-potentially hazardous beverages. A review and approval of the building plans for each site will be required prior to issuance of a retail food facility permit to operate; or if an exemption is requested, then documents for a wine/beer tasting room exemption shall be submitted and approved prior to concurrence with the exemption and subsequent operation of the facility. Final construction approval is required prior to issuance of a Retail Food Facility Permit.
49. All owners of properties with existing or new onsite water well(s) and transient non community water systems are required to apply for and maintain a state water system permit as an approved potable water supply for the food facility areas. The water system permit would be issued by the California Water Resources Control Board Drinking Water Branch (707)-576-2145.

PERMIT SONOMA CODE ENFORCEMENT:

PRE-OPERATIONAL CONDITIONS

50. This use has commenced prior to approval of this use permit. All pre-operational conditions identified in this use permit and payment of all required fees shall be completed within 60 days of approval to operate. Additional time to comply with pre-operational conditions may be granted at the discretion of the Deputy Director. If any pre-operational condition is not met within the specified time frame, this permit shall not vest and shall be void and of no further effect.
51. This Use Permit shall not become vested until all violations are cleared and penalty fees paid. The determination of the amount of penalties will be determined by staff using the methodology approved by the Board of Supervisors and may be appealed to a hearing officer in accordance with Section 1-7.1 (d) of the Sonoma County Code. The penalty appeal hearing shall

not be conducted until payment of penalties is made in full. The determination of the hearing officer shall be final and only subject to judicial review.

OPERATIONAL CONDITIONS

52. This use shall be constructed, maintained, and operated in conformance with all applicable county and state statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit condition and shall be subject to potential revocation.

PERMIT SONOMA PLANNING:

53. This project 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 this Permit, subject to enforcement.
54. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. UPE19-0070.
55. The facility shall not be rented out to third parties for events.
56. Events and food service were not requested in this Use Permit and therefore are not authorized by this Use Permit.
57. A total of 2 parking spaces shall be provided on-site, to include 1 standard space and 1 ADA space.
58. 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.
59. The applicant shall submit a Greenhouse Gas Reduction Plan for PRMD review and approval that defines measures to reduce greenhouse gas emissions in the design, construction, and long-term operations of the project. The applicant can incorporate the following greenhouse gas and energy efficiency measures for the project: (1) solar, (2) electric charging station, (3) bicycle racks, (4) plantings of trees and other plants, (5) sustainable vineyard farming practices, and any other greenhouse gas emissions reductions measures.
60. A Water Conservation Plan shall be submitted for all buildings and landscaping prior to building permit issuance, subject to PRMD review and approval. The Water Conservation Plan shall include all reasonably feasible measures to reduce water demand to the maximum extent feasible and enhance water resource recovery to maintain sustainable water supplies. Measures that must be evaluated include: installation of low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems and graywater reuse. Landscaping plans must comply with the County Water Efficient Landscape Ordinance. 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). Verification from a qualified irrigation specialist that landscaping plan complies with the County Ordinance shall be provided prior to building permit issuance. The measures in the plan shall be implemented by the applicant and verified by PRMD staff prior to Certificate of Occupancy or operation of the use.

61. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.

62. All building and/or grading permits shall have the following note printed on grading or earthwork plan sheets:

“If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit and Resource Management Department (PRMD) – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to PRMD. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.”

63. The applicant/owner shall be required to maintain in good condition all site improvements, surface drainage, sidewalks, and landscape areas.

64. All exterior lighting shall be "Dark Sky Compliant" and fully shielded in order to avoid nighttime light pollution. Reference can be made to the International Dark Sky Association website for guidance on exterior lighting: www.darksky.org. All exterior lighting shall be downward facing, and located at the lowest possible point to the ground to prevent spill over onto adjacent properties, glare, nighttime light pollution and unnecessary glow in the rural night sky. Security lighting shall be put on motion sensors. Flood lights and uplights are not permitted. Luminaires

shall have a maximum output of 1000 lumens per fixture. Total illuminance beyond the property line created by simultaneous operation of all exterior lighting shall not exceed 1.0 lux.

65. Any proposed modification, alteration, and/or expansion of the use authorized by this 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 Design Review permit and full environmental review.
66. 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.
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.