

## Conditions of Approval – August 25, 2022

**Date:** August 25, 2022 **File No.:** UPE01-0181  
**Site Address:** 304 Todd Road, Santa Rosa **APN:** 134-171-050; 134-171-049  
**Applicant/Operator:** Todd Road Partners  
**Applicant Address:** 304 Todd Road, Santa Rosa, CA 95407  
**Business Owner(S):** Todd Road Partners  
  
**Landowner:** Todd Road Partners  
**Landowner Address:** 304 Todd Road, Santa Rosa, CA 95407

**Project Description:** Request for a Use Permit to legalize an equipment and material storage yard; soil asphalt, rock and concrete stockpiling; crushing operations and recycling and soil stockpiling on an approximately 18-acre industrially-zoned property. The project is being undertaken in compliance with a 2016 Settlement Agreement between the applicant and the County. A maximum of two full-time employees would work on-site for the crushing and recycling operations; additional employees would visit the site to obtain equipment and materials for transportation construction projects located elsewhere. The project site would be closed to the public. The Project would include a landscaped 25-foot berm and a 14-foot sound wall on the perimeter of the south and east property lines. Site improvements would include realignment of Ghilotti Avenue to align with Standish Avenue and fair share payment toward the signalization of the Todd Road and Standish Avenue/Ghilotti Avenue intersection in agreement with the Department of Transportation and Public Works. Operating hours for most of the activities would occur during daylight hours, generally 6 a.m. until 8 p.m., but no earlier than 4:30 a.m. and no later than 9:00 p.m., seven days a week, with occasional emergency overnight operations subject to Director approval. Crushing operations would be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday and stockpiling operations would be limited to 7:00 a.m. to 9:00 p.m. daily.

---

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

### CONDITIONS ON PLAN SETS:

1. Project conditions and mitigation measures must be printed on or included in all plan sets submitted for permitting. Grading and building permit plans must have plan sheets that include all conditions as part of the submittal package.

**FEES:**

2. Permit Processing and Development Fees. Prior to issuance of a grading permit or building permit, the applicant must pay all permit processing costs and development fees for this “At Cost” entitlement. This Use Permit is not vested until all permit processing costs and development fees are paid in full.
3. CEQA Filing Fee. Within five working days after project approval, the applicant/operator must pay a mandatory Notice of Determination filing fee of \$2,598 (or the latest fee in effect at the time of payment) for County Clerk processing, made **payable to Sonoma County Clerk** and submitted to the Permit Sonoma project planner, unless the applicant requests an alternate payment method in advance of the fee due date. NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
4. Condition Compliance Fee. At the time of submitting a building permit application, the applicant/operator must submit to Permit Sonoma an Approved Permit Condition Compliance Review fee deposit of \$2,779.00 (or other amount consistent with the adopted fee schedule in effect at the time). In addition, the applicant/operator is responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.
5. Traffic Mitigation Fee. Prior to building permit final or granting of occupancy for the use, the applicant/operator must submit a Traffic Mitigation Fee to Permit Sonoma per Chapter 26, Article 98 of the Sonoma County Code. The fee is computed by multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. Evidence of payment must be submitted to the Permit Sonoma Project Review Planner.
6. Fair-Share Contribution. Prior to building or grading permit issuance, the applicant must pay Sonoma County Department of Transportation and Public Works the project’s fair-share contributions for the following project related work:
  - a. Costs associated with the Todd Road/Standish Avenue-Ghilotti Avenue traffic signal (County Signal Project). The fair-share contribution is as follows:
    - 1) One-hundred percent (100%) of the cost of the southerly leg of the intersection. This includes design, environmental review and mitigation, and construction.
    - 2) One-hundred percent (100%) of the cost of striping a southbound left turn pocket, a minimum of 135 feet in length, on the Standish Avenue approach to the subject intersection as recommended by the Traffic Impact Study for the Ghilotti Construction Yard dated March 7, 2018 by W-Trans.
  - b. One-hundred percent (100%) of the cost of striping a Class II bike lane along the applicant’s project frontage on Todd Road.

The applicant must provide a signed and stamped engineer’s cost estimate from a Registered Civil Engineer, licensed in the State of California detailing out the above improvements and their costs. The estimate is subject to the review and approval of the DTPW.



7. Fair-Share Payment. Prior to issuance of any permit associated with the proposed use (including issuance of a Use Permit Certificate), the applicant must either enter into a fair-share agreement with DTPW detailing payment requirements or complete all required construction and pay all conditioned fair-share payments to the DTPW.
8. Fair-Share Cost Agreement. If the signal design has not advanced enough to allow for the fair-share contribution to be calculated prior to issuance of the Use Permit Certificate, the applicant must enter into an Agreement with the County to provide the required fair-share contributions outlined in these conditions, when these improvements are programmed and funded for construction.
9. Maintenance Agreement. The applicant must enter into an Agreement with the County of Sonoma DTPW to provide funding for continued maintenance and operational expenses, a proportional share of the operation and maintenance of the proposed traffic signal. This proportional share amounts to one-quarter of the total cost to operate and maintain the signal.

**PLANNING:**

**"Compliance with the conditions below have been verified" BY \_\_\_\_\_ DATE \_\_\_\_\_**  
**Contact Adam Sharron, Project Planner at (707) 565-7389**

10. Type(s) and Limitations of Use.
  - a. This use permit allows for an equipment and vehicle storage area from the site's center to within 20 feet of the front property line. Heavy equipment may include, but not be limited to, excavators, bulldozers, loaders, and dump trucks. Other construction equipment stored in this area may include, but not be limited to, generators, paving equipment, truck trailers, and fueling trucks.
  - b. This use permit allows for a material storage area, located in a central portion of the site. Construction materials and supplies may include, but not be limited to, pipe, precast concrete structures, cast iron and steel, form lumber, concrete barriers, k-rail, erosion control products, straw wattles, and visqueen (e.g., plastic sheeting). These materials may be stored on-site, from various construction projects, until transported to another construction project location.
  - c. This use permit allows for a stockpile of asphalt grindings, rock, and broken concrete imported from construction projects in a central portion of the project site. Materials may be processed through periodic crushing and recycling, for reuse on other construction projects. Crushing operations may include, but not be limited to, an excavator, a loader, and a mobile crushing plant.
  - d. This use permit allows for a stockpile of native soils imported from construction projects for later use on other projects requiring fill, located in the southern portion of the project site.



- e. The mobile crushing plant must be oriented to the east and away from nearby single-family residences to reduce the noise impacts associated with the crushing operations and recycling.
  - f. This use permit does not allow for nighttime operations unless otherwise pre-approved in writing by the Director of Permit Sonoma.
  - g. This use permit does not allow for any additional lighting. Existing lighting shall be downward casting and fully shielded to prevent glare from off-site at all times.
  - h. The use must be operated in accordance with the proposal statement, operational plans, and floor plan located in File No. UPE01-0181 as modified by these conditions.
  - i. This use permit renewal supersedes all prior use permits upon implementation or when all the pre-operational conditions have been met and the Use Permit Certificate is issued for operation.
11. Final Administrative Design Review. Prior to issuance of grading or building permits, applicant/operator must submit to Permit Sonoma final plans and details for the sound wall, landscaping and irrigation, any fencing, on-site directional signage, and parking lot improvements for final administrative design review, including the following:
- a. Landscaping plans, including plant types and sizes and irrigation, for the area fronting Todd Road. Landscaping must measure a minimum of 20 feet wide from the front property line, excluding the area dedicated to Sonoma County required by DTPW.
  - b. Landscaping details for landscaped berm, including irrigation, plant types, sizes, and locations.
  - c. Sound wall details, including final dimensions, placement, and materials. Sound wall must be constructed of a solid material and screened with landscaping. All exterior finishes must be of non-reflective materials and colors and must be compatible with the surrounding area. Razor wire and similar fencing is not permitted.
  - d. Detailed plans for vehicle parking area. Parking area for employee parking must surfaced in materials approved by the Director of Permit Sonoma.
  - e. As built plans for existing lighting, including any modifications to address glare.

Applicant must provide verification of installation of berm and sound wall, compliance with approved materials and colors, and implementation of lighting, landscaping, and irrigation requirements prior to issuance of the Use Permit Certificate or operation of the crushing equipment, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.

12. Location of Activities.

- a. At all times, the applicant must ensure the approved uses meet the following minimum requirements:
  - 1) Crushing equipment must be located no closer than 105 feet from the nearest residential property line.



2) The front side of the crushing plant must be oriented to the east and away from nearby residences.

- b. Prior to building permit final and prior to use of crushing equipment, the applicant/operator must provide evidence to Permit Sonoma staff that on-site signage has been installed stating the above locational requirements.

13. Timing of Improvements.

- a. Within 30 days of use permit approval, applicant must remove storage from APN 134-171-049.
- b. Within 30 days of use permit approval, applicant must submit applications and plans for toilet facilities for employees, including but not limited to plans for an alternative sanitary system.
- c. Within 30 days of use permit approval, applicant must reduce the height of the stockpile to 11 feet (no more than 14 feet lower than the 25-foot berm which will be constructed).
- d. Within 60 days of use permit approval, applicant must submit applications and plans to Permit Sonoma for final design review, grading and building permits, including but not limited to a grading permit for the berm and a building permit for the sound wall.
- e. Within 60 days of building issuance for the toilet facilities, applicant must construct toilet facilities.
- f. Within 60 days of building and grading permit issuance and prior to crushing operations, the applicant must install the 25-foot landscaped earth berm and 14-foot sound wall. Noise barrier walls must be constructed in accordance with the January 15, 2018 Noise Assessment by Michael Thill of Illingworth & Rodkin. The design and final construction of the noise barriers must be approved in writing by the consultant. Barrier height in relation to pad elevation must be certified by the project engineer. The Project Review Health Specialist must receive a letter of clearance from the sound consultant regarding conformance with the design and final construction of the sound wall to the Sound Report and addendum requirements.

14. Hours of Operation. At all times, applicant may not exceed the following hours of operation:

- a. Stockpiling and associated activities and operations requiring heavy machinery are limited to 7:00 a.m. until 9:00 p.m. daily.
- b. Crushing and recycling operations are limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday.
- c. Material and equipment storage operations are limited to 4:30 a.m. to 9:00 p.m.
- d. Until the realignment of Todd Road/Standish Avenue/Ghilotti Avenue and signal are constructed and operational, the project construction yard shall close daily at 4:00 p.m.



- e. No activities may occur outside the approved hours of operation, including but not limited to, occasional overnight emergency operations and/or operation after dark, without prior written approval from the Director of Permit Sonoma.

Prior to building permit final, applicant must provide verification to Permit Sonoma staff that signage stating the above hour restrictions have been installed on-site in the appropriate work areas.

15. Operational Requirements. The operation must conform to the standards established by County Code Sections, and all other applicable requirements for the specific type of use and those of the underlying base zone, including the following:
  - a. Prior to grading permit issuance, the applicant/operator must submit evidence to verify compliance with the Waste Discharge Requirements of the Regional Water Quality Control Board, or present evidence of a waiver from these requirements.
  - b. At all times, the operation may not cause a public nuisance by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or cause hazardous conditions due to the use or storage of materials, processes, products, runoff, or wastes.
  - c. At all times, the height of the soil stockpile must not exceed 11-feet in height.
16. Signage. The project approval does not include any additional signage beyond the directional signage requirements contained herein. Prior to installing exterior signage, the applicant/operator must the sign details must be submitted for review and approval..
17. Water Efficient Landscaping. Landscaping plans must comply with the County Water Efficient Landscape Ordinance as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Prior to grading and building Permit Issuance, applicant/operator must submit a Landscape Plan to Permit Sonoma for review and approval. The approved Plan must be implemented by the applicant/operator prior to issuance of the Use Permit Certificate. Verification of implementation is required, either by photographic documentation or site inspection by the Project Planner, at the discretion of Permit Sonoma staff.
18. Stormwater. The applicant/operator must comply with storm water management requirements to avoid any impacts on on-site drainage conditions.
19. Use Permit Certificate. A Use Permit Certificate with these conditions, approved proposal statement, and approved site plan must be maintained on site and made available to county officials upon request.
20. Conformance with Statutes. This use must be constructed, maintained, and operated in conformance with applicable county and state statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule, or regulation may be considered a violation of this use permit, subject to revocation or modification.

#### **MITIGATION MEASURES:**

21. Mitigation Measure AIR-1 Construction Dust and Air Quality Control:



- a. The following dust and air quality control measures shall be included in the project:
  - 1) Water or alternative dust control shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
  - 2) Trucks hauling soil, sand and other loose materials over public roads shall cover their loads or keep the loads at least two feet below the level of the sides of the container or wet the load sufficiently to prevent dust emissions.
  - 3) Paved roads shall be swept as needed to remove soil that has been carried from the project site.
- b. The following BAAQMD Best Management Practices (BMPs) shall be included in the project:
  - 1) Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day during construction and adequately wet demolition surfaces to limit visible dust emissions.
  - 2) Cover all haul trucks transporting soil, sand, or other loose materials off the project site.
  - 3) Use wet power vacuum street sweepers at least once per day to remove all visible mud or dirt track-out onto adjacent roads (dry power sweeping is prohibited) during construction of the proposed project.
  - 4) Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.
  - 5) Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used.
  - 6) Minimize idling time of diesel-powered construction equipment to five minutes and post signs reminding workers of this idling restriction at all access points and equipment staging areas during construction of the proposed project.
  - 7) Maintain and properly tune all construction equipment in accordance with manufacturer's specifications and have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
  - 8) Post a publicly visible sign with the name and telephone number of the construction contractor and County staff person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The publicly visible sign shall also include the contact phone number for the BAAQMD to ensure compliance with applicable regulations.
- c. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 Final emission standards for NOx and PM (PM10 and PM2.5), if feasible, otherwise:
  - i. U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control/NOx controls.
  - ii. Use of alternatively fueled equipment with lower NOx emissions compared to traditional diesel fuel.
  - iii. This subsection (c) does not apply to equipment used solely to drop off or pick up other equipment used at the site.

22. Mitigation Measure TRANS-1: The applicant/operator shall submit a *Construction Period Traffic Control Plan* to the County for review and approval. The plan shall include traffic safety guidelines compatible with section 12 of the Caltrans Standard Specifications (“Construction Area Traffic Control Devices”) to be followed during construction. The plan shall also specify provision of adequate signage and other precautions for public safety to be provided during project construction. In particular, the plan shall include a discussion of bicycle and pedestrian safety needs due to project construction and, later, project operation. In addition, the plan shall address emergency vehicle access during construction and provide for passage of emergency vehicles through the project site at all times. The applicant/contractor shall notify local emergency services prior to construction to inform them that traffic delays may occur and also of the proposed construction schedule.

Mitigation Measure BIO-1: Construction Monitoring: During construction around the perimeter of the project site, including the roadway realignment at Todd Road and Ghilotti Avenue and permanent fencing if it is installed, avoidance and minimization measures set forth in the Santa Rosa Conservation Strategy shall be followed to avoid incidental take of CTS. Project construction plans must include the following measures:

- A USFWS-approved biological monitor shall be on site each day during wetland restoration and construction (where applicable), and during initial site grading of development sites where CTS have been found.
- The biological monitor shall conduct a training session for all construction workers before work is started on the project.
- Before the start of work each morning, the biological monitor shall check for animals under any equipment such as vehicles and stored pipes. The biological monitor shall check all excavated steep-walled holes or trenches greater than one foot deep for any CTS. If CTS are found, work shall be halted and USFWS and CDFW consulted. Only a USFWS 10(a)(1)(A) permit holder shall be allowed to relocate individuals found under the direction of USFWS or CDFW staff. Work shall not resume until the USFWS Biologist authorizes work to resume.
- An erosion and sediment control plan shall be implemented to prevent impacts of wetland restoration and construction on habitat outside the work areas.
- Access routes and number and size of staging and work areas shall be limited to the minimum necessary to achieve the project goals. Routes and boundaries of the roadwork shall be clearly marked prior to initiating construction/grading.
- All foods and food-related trash items shall be enclosed in sealed trash containers at the end of each day and removed completely from the site once every three days.
- No pets shall be allowed anywhere in the project site during construction.
- A speed limit of 15 mph on dirt roads shall be maintained.
- All equipment shall be maintained such that there will be no leaks of automotive fluids such as gasoline, oils, or solvents.
- Hazardous materials such as fuels, oils, solvents, etc., shall be stored in sealable containers in a designated location that is at least 200 feet from aquatic habitats. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 200 feet from any aquatic habitat.



- Grading and clearing shall typically be conducted between April 15 and October 15, of any given year, depending on the level of rainfall and/or site conditions.
- Project areas temporarily disturbed by construction activities shall be re-vegetated with native plants approved by USFWS/CDFW.

Because complete avoidance may not be possible, if construction occurs during the wet season (October 15-June 1), no work shall occur within 24 hours of any forecasted rain event (greater than 40-percent chance). The biologist shall conduct clearance sweeps prior to resuming work following a rain event and work stoppage.

23. Mitigation Measure BIO-2: Maintain Permanent Barrier: The applicant must maintain the k-rail or another County-approved barrier surrounding the operations area of the project site.
24. Mitigation Measure BIO-3: Nesting Bird Avoidance or Conduct Preconstruction Surveys:

The following measure shall be taken to avoid potential inadvertent destruction or disturbance of nesting birds on and near the project site as a result of construction-related vegetation removal and site disturbance:

- a. To avoid impacts to nesting birds, all construction-related activities shall occur outside the avian nesting season (generally prior to February 1 or after August 31). Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest.
- b. If construction-related activities are scheduled to occur during the nesting season (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. Surveys shall be conducted at the appropriate times of day during periods of peak activity (i.e., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted within 250 feet of the construction limits for nesting non-raptors and 1,000 feet for nesting raptors. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven (7) days, an additional nesting bird survey shall be performed.
- c. If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur until a qualified biologist has established a temporary protective buffer around the nest(s). The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified ornithologist or biologist with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are up to 75 feet from the nest site or nest tree dripline for small birds and up to 1,000 feet for sensitive nesting birds. The nest buffer, where it intersects the project site, shall be staked with orange construction fencing or orange lath staking. Monitoring, by a qualified biologist, shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring



dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from project activity, as determined by the qualified biologist, shall be monitored daily during the duration of the project for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in coordination with CDFW that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice weekly monitoring may need to be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.

- d. A report of the findings will be prepared by a qualified biologist and submitted to the County prior to the initiation of construction-related activities that have the potential to disturb any active nests during the nesting season. The report shall include recommendations required for establishment of protective buffers as necessary to protect nesting birds. A copy of the report shall be submitted to the County and applicable regulatory agencies prior to the issuance of a grading permit.
25. Mitigation Measure NOISE-1: The applicant shall restrict on-site truck and heavy equipment activity associated with stockpiling operations to the hours of 7:00 AM to 9:00 PM.
26. Mitigation Measure NOISE-2: The proposed project shall incorporate the following construction noise control best management practices into project construction activities:
- a. A detailed construction plan shall be submitted to Permit Sonoma, for review and approval, that identifies the schedule for major noise-generating construction activities and lists the construction noise reduction measures identified in the project noise assessment. The schedule shall be distributed to adjacent noise-sensitive receptors prior to commencement of construction.
  - b. Limit construction to between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday. No construction activities shall occur on weekends or holidays.
  - c. Locate construction staging areas as far as possible from nearby sensitive receptors.
  - d. Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from nearby sensitive receptors.
  - e. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
  - f. Unnecessary idling of internal combustion engines shall be strictly prohibited.
  - g. Utilize "quiet" air compressors and other "quiet" equipment where such technology exists.

**GRADING & STORM WATER:**

"Compliance with the conditions below have been verified " BY \_\_\_\_\_ DATE \_\_\_\_\_

Contact Permit Sonoma Engineering and Water Resources Section at 707-565-1691

27. The applicant must be responsible to contact the North Coast Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed use. The applicant must provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading or building permit. The applicant must obtain and maintain current, an Industrial General Permit (IGP) from the North Coast Regional Water Quality Control Board for the proposed use. The applicant must abide by the Storm Water Pollution Prevention Plan (SWPPP) associated with the IGP.
28. A separate grading permit is required for the berms.
29. Grading and/or building permits require review and approval by the Grading & Storm Water Section of Permit Sonoma prior to issuance. Grading permit applications must abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
30. A soils engineering report, prepared by a soils engineer, and engineering geology report, prepared by an engineering geologist, must be submitted with the grading permit application(s) for the proposed project. The soils engineer and the engineering geologist must be currently registered in the State of California.
31. A drainage report for the proposed project must be prepared by a civil engineer, currently registered in the State of California, submitted with the grading and/or building permit application (if applicable) and be subject to review and approval by the Grading & Storm Water Section of Permit Sonoma. The drainage report must include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, and pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report must abide by and contain all applicable items in the *Drainage Report Required Contents* (DRN-006) handout.
32. No fill may be placed within the Flood Prone Urban Area (FPUA) unless an engineering analysis demonstrates no adverse impact to drainage within the FPUA will result from the fill placement and related improvements.
33. The applicant/operator must provide grading plans prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, limits of disturbed area/total work, adequate grading cross sections, and drainage facilities, such as swales, channels, closed conduits, or drainage structures. The grading plans must abide by and contain all applicable items from the *Grading Permit Required Application Contents* (GRD-004) handout.
34. As part of the grading plans, the applicant/operator must include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas/total work, vegetated areas to be preserved, and



pertinent details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Tracking of soil or construction debris into the public right-of-way is prohibited. Runoff containing concrete waste or by-products may not drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan must abide by and contain all applicable items in the *Grading Permit Required Application Contents* (GRD-004) handout.

35. Runoff from waste receptacles or outside washing areas may not drain directly to the storm drain system, waterway(s), or adjacent lands. Areas used for waste receptacles and outside washing areas must be covered or separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area may not enter the storm drain system without receiving appropriate treatment.
36. Any proposed fuel dispensing areas must be separated from the rest of the project site by grade breaks that prevent storm water run-on. The fuel dispensing area is defined as extending 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus one foot, whichever is more. Any surface water flow from the fuel dispensing area may not enter the storm drain system without receiving appropriate treatment. The fuel dispensing area must be covered with a roof that must extend beyond the fuel dispensing area a minimum of two feet (or more as may be regulated otherwise). The roof cover may not drain onto the fuel dispensing area.

**HEALTH (Permit Sonoma):**

**"Compliance with the conditions below have been verified " BY \_\_\_\_\_ DATE \_\_\_\_\_  
Contact Permit Sonoma Health at (707) 565-1924**

**PRIOR TO VESTING THE USE PERMIT:**

NOTE: Prior to grading permit issuance, please submit all of the following condition compliance requirements as one completed submittal package to the Project Review Health Specialist.

**Septic**

37. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant/operator must 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/operator must submit a final clearance from the Well and Septic Section to the Project Review Health Specialist demonstrating that all required septic system testing and design elements have been met.
38. Toilet facilities must be provided for employees prior to issuance of grading permits. The applicant/operator must submit a copy of the floor plan showing the location of the restrooms to the Project Review Health Specialist prior to issuance of grading permits. Facilities may be provided by an alternate means acceptable to the Director of Permit Sonoma and may include but not be limited to an agreement to utilize toilet facilities on neighboring applicant-owned project site and/or using an alternative means of sanitary sewer.



**Solid Waste**

39. Prior to building permit issuance, the applicant/operator must submit a design for trash enclosures and recycling areas for review and approval by the Permit Sonoma 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 (for a total of 19 feet) at the location where the bins are tipped.

OPERATIONAL REQUIREMENTS:

**Water**

40. A safe, potable water supply must be provided and maintained.

**Septic**

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

**Noise**

44. Noise must 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 <sup>1</sup> , 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

<sup>1</sup> 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.



45. Special events were not requested in this Use Permit and therefore are not authorized by this Use Permit.
46. If noise complaints are received from nearby residents, and they appear to be valid complaints, then the applicant/operator must conduct a Noise Study to determine if the current operations meet noise standards and to identify any additional noise Mitigation Measures that may be necessary. A copy of the Noise Study must be submitted to the Project Review Health Specialist within 60 days of notification from Permit Sonoma that a noise complaint has been received.- The applicant/operator must implement any additional Mitigation Measures needed to meet noise standards.

### **Solid Waste**

47. All garbage and refuse on this site must 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 may be filled beyond the capacity to completely close the lid. Garbage and refuse on this site may not be accumulated or stored for more than seven calendar days and must be properly disposed of at a County transfer Station or County Landfill before the end of the seventh day.

### **Smoking**

48. 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 Section 32-6). "No Smoking" signs must 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 the Health and Safety Code Section 113781 definition of food includes any beverage intended for human consumption.
49. 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 must be equipped with ash trays or ash can.

### **SONOMA COUNTY TRANSPORTATION AND PUBLIC WORKS:**

**"Compliance with the conditions below have been verified" BY \_\_\_\_\_ DATE \_\_\_\_\_**

**Contact Transportation & Public Works at 707-565-2231**

### **Right-of-Way Requirements**

50. The applicant must offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
  - a. As necessary to create public right-of-way a total of 30 feet wide on the applicant's side of the road, as measured from the existing pavement centerline, for the full length of the property's frontage on Todd Road to align with the right-of-way offered under Parcel Map



4776 (Book 228 of Maps at Page 14, Official Records of Sonoma County). This condition may be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.

- b. As necessary to create public right-of-way on the applicant's side of the road located immediately south of Todd Road, aligned with Standish Avenue (APN 134-171-049) to accommodate the following:
    - 1) To contain the County's intersection improvements (County Signal Project) proposed for Todd Road/Standish Avenue-Ghilotti Avenue which is currently in the early design stages.
    - 2) To construct and maintain traffic signal loops that will extend 60' southerly of the limit line on Ghilotti Avenue.
    - 3) To construct and maintain 32-foot radius curb faces, ADA compliant pedestrian facilities, traffic signal appurtenances, utilities, etc. at the intersection.
  - c. To contain all Public drainage facilities.
51. The applicant must dedicate right-of-way as roadway easement. The applicant/operator must prepare an easement deed, together with the required descriptions, and submit them to the County Surveyor for review and approval. A copy of the recorded deed must be submitted to the Land Development Section of Permit Sonoma prior to clearance of these conditions.

#### **Intersections of Roads and Driveways**

52. The applicant/operator must maintain all existing and proposed vegetation fronting the site as well as within the public right-of-way to preserve the sight distance triangles necessary to achieve the minimum American Association of State Highway and Transportation Officials (AASHTO) required sight distance at any project driveway where it intersects a public roadway.
53. The applicant/operator may not construct, install, or place any monuments and/or signs resulting from this project within the necessary sight distance triangles required to achieve the minimum AASHTO required sight distance at any project entry where it intersects a public roadway.

#### **Required Improvements**

54. The applicant must coordinate design and construction of private roadway improvements to match the southerly leg of the Todd Road/Standish Avenue-Ghilotti Avenue traffic signal. Coordination with the County Signal Project for this intersection involves the following:
- a. Ghilotti Avenue (the existing private roadway) must be realigned to intersect Todd Road in line with Standish Avenue and connect to the County Signal Project. Work to realign Ghilotti Avenue may require a grading permit from Permit Sonoma to relocate the existing private access. The applicant must submit plans for the realignment to the office of the County Surveyor in Permit Sonoma for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in



concept for the proposed improvements is required prior to the issuance of any grading permit for the project.

- b. The applicant must abandon the existing intersection of Ghilotti Avenue at Todd Road. Abandonment must include construction of County standard curb and gutter conforming to existing curb and gutter easterly of the existing intersection and the County Signal Project westerly. This work requires an encroachment permit issued by Permit Sonoma.
- c. Traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.

### **Processing**

55. Plans for all required improvements must be submitted to the office of the County Surveyor in Permit Sonoma (PRMD) for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in concept for the proposed improvements is required prior to the issuance of any grading permit for the project.

### **Completion of Required Improvements**

56. The applicant/operator must complete dedication document(s), design, and construction of all the required public improvements, enter into the required traffic signal maintenance agreement, and make any required fair share payments or execute any fair-share agreement prior to occupancy of any new building or new use of an existing building which result from this application.

### **GENERAL OPERATIONAL CONDITIONS:**

#### **The Use Permit and operation of the use are subject to the following general provisions:**

57. Any proposed modification, alteration, and/or expansion of the use authorized by this use permit requires the prior review and approval of Permit Sonoma or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified use permit and additional environmental review, if warranted.
58. The Director of Permit Sonoma 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 Permit Sonoma demonstrating that the condition(s) is infeasible due to specific constraints (e.g., lack of property rights) and include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma 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 Permit Sonoma 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 Permit Sonoma and shall not affect the original permit approval date or the term for expiration of the permit.





59. This permit may 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.
60. In any case where a use permit has not been used (as evidenced by issuance of a Use Permit Certificate to operate) within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.