

EXHIBIT "A"
DRAFT Conditions of Approval

Staff: Joshua Miranda
Applicant: Muir Wood Adolescent & Family Services
ATTN: Scott Sowle
Owner: KKS Property LLC
Address: 1743 Skillman Lane Petaluma, CA 94952

Date: February 10, 2022
File No.: UPE20-0008
APN: 048-250-002

Project Description: Request for a Use Permit to expand an existing Small Residential Community Care Facility to a Large Residential Community Care Facility with 11 employees and 24-hour care for 10 people in a 5-bedroom single-family dwelling, located on a 3.13-acre property. The existing small residential community care facility currently provides 24-hour care for 6 people and operates with 9 employees. No new construction or expansion of existing buildings is proposed.

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

PERMIT SONOMA BUILDING:

1. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (Permit Sonoma). The necessary application appears to be, but may not be limited to, a building 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 Permit Sonoma 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.
3. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.

PERMIT SONOMA PROJECT REVIEW SECTION-HEALTH:

PRIOR TO OPERATION OF THE EXPANDED OCCUPANCY:

Water:

4. Prior to operation of the expanded occupancy, provide the Project Planner 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.

Applicant shall submit: A copy of the State Certified Lab report to the Project Planner 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 Permit Sonoma 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 Permit Sonoma Project Planner.
5. Prior to operation of the expanded occupancy, the applicant shall provide an engineered design of the water supply system, complete the appropriate water quality testing and apply for a water supply permit from the State Division of Drinking Water because it has determined that more than 25 persons per day for 60 days within a year may be served by the water system. A copy of the Use Permit application and conditions must be provided to the State in Division of Drinking Water order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling will take some time.)

Applicant shall submit: A copy of the Water Supply Permit Application approval letter must be submitted to the Project Planner, or the Office of Drinking Water/ Sonoma County Environmental Health may e-mail approval directly to Permit Sonoma

6. Prior to operation of the expanded occupancy, 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.

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

7. Prior to operation of the expanded occupancy, 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 Permit Sonoma

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

Septic:

8. Prior to operation of the expanded occupancy, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing

septic system's ability to accommodate the peak flows from all sources granted in the Revised Use Permit. Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the Permit Sonoma Well and Septic Section and may require both soils analysis, groundwater and percolation testing. 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.

Applicant shall submit: A final clearance from the Well and Septic Section that all required septic system testing and design elements have been met to the Project Planner.

9. 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.)

Applicant shall submit: Evidence of installed septic reserve area perimeter barriers to the Project Planner Specialist.

Vector Control:

10. 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 wet lands and ponds.

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 Planner.

OPERATIONAL REQUIREMENTS:

Water:

11. 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.
12. A safe, potable water supply shall be provided and maintained.

Septic:

13. 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.
14. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
15. 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 Permit Sonoma.

Noise:

16. 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
02 (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 72 seconds in any hour.

17. All outdoor activities associated with the operation of the large residential community care facility shall observe “Quiet Hours” seven days a week, between 6:00 p.m. to 7:00 a.m. Outdoor amplified sound is prohibited at all times.
18. On-Site Property Manager. An on-site property manager is required to address noise complaints about the Large Residential Community Care Facility. The on-site property manager shall:

- (1) Ensure that the Facility’s website prominently lists a telephone number for the public to make noise-related complaints; and
 - (2) Send an annual notice to owners and occupants of lots within 300 feet of the Facility lot boundaries to provide the “complaint hotline” telephone number.
19. If noise complaints are received from nearby residents, and they appear to be valid complaints in Permit Sonoma’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 Planner within sixty days of notification from Permit Sonoma that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Solid Waste:

20. 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:

21. Smoking is prohibited at any public event, 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.
22. 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.

PERMIT SONOMA FIRE PREVENTION:

“The conditions below have been satisfied BY _____ DATE _____

21. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures.

Prior to occupancy, written approval that the required improvements have been installed shall be provided to Permit Sonoma from the County Fire Marshal/Local Fire Protection District.

PERMIT SONOMA NATURAL REOURCES SECTION:

“The conditions below have been satisfied BY _____ DATE _____

23. **Permit Sonoma Annual Well Monitoring Fee.** Prior to building permit final or issuance of a Use Permit Certificate to operate the use, the applicant/operator shall submit to Permit Sonoma an Annual Well Monitoring fee of \$224.00 (or other amount consistent with the adopted fee schedule in effect at the time). The applicant/operator shall be responsible for payment of additional annual well monitoring fees for each year over the effective term of the permit. The annual well monitoring fee shall be paid by January 31 of each year the permitted operation is active.

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

24. An Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well or other water source serving this project and any required monitoring well or water meter to collect groundwater level measurements and water meter readings. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by Permit Sonoma Project Review staff and County Counsel prior to recordation.

25. Water well(s) serving this project shall be equipped to enable regular groundwater level monitoring, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.

26. Totalizing water meter(s) to measure all groundwater extracted for the use shall be installed, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.

27. A Site Plan showing the location of the well(s) with the groundwater level measuring device(s), water storage ponds, tanks, and reservoirs, and the location of all water meter(s) shall be submitted to PRMD. The monitoring well(s) shall be marked with a measuring reference point. The well’s Global Positioning System (GPS) coordinates (in NAD83 California State Plane II or WGS 84lat./long.) shall be noted. The height of the water level measuring reference point above the ground surface shall be specified. Attached to the Site Plan should be the monitoring well(s) well completion reports (with owner information redacted, as is publicly available through California DWR).

OPERATIONAL REQUIREMENTS:

28. Groundwater Monitoring and Meter Calibration

- a. Groundwater levels and quantities of groundwater extracted for the use shall be measured quarterly. Data shall be reported to Permit Sonoma in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Data should be provided on template monitoring forms provided by Permit Sonoma.

- b. Water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to Permit Sonoma at least once every five years.
 - c. If the County determines that groundwater levels are declining in the local groundwater basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by Permit Sonoma.
29. Total well water use on the project parcel, inclusive of domestic uses, irrigation of cannabis, irrigation of landscaping and agriculture shall not exceed 1.0 acre feet per year. In the event that average water use over 3 years exceeds 1.0 acre feet per year, the applicant shall update the Water Conservation Plan to utilize the best available technologies to reduce water use, subject to review and approval by Permit Sonoma. In the event that average water use over 3 years exceeds the estimated water use of the approved Water Conservation Plan by more than 10%, Permit Sonoma shall bring this matter back to the BZA for review of additional measures to reduce net groundwater use.
30. The project shall comply with all applicable regulations, monitoring, and fees associated with the Groundwater Sustainability Agency as applicable to the project site.

PERMIT SONOMA PLANNING:

“The conditions below have been satisfied BY _____ DATE _____

- 31. This Use Permit (UPE20-0008.) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
- 32. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation or modification.
- 33. The owner shall maintain licensing required by State Social Services and certification by the Department of Health Service as required by State Regulations for Large Residential Community Care Facilities.
- 34. Prior to commencement of the Use and vesting the Use Permit, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). Lighting plans shall be designed to meet the Lighting Zone (LZ1 for dark areas, LZ2 for rural, LZ3 for urban) standards from Title 24 effective October 2005. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated.
- 35. The Facility and outdoor areas, including the basketball court and parking areas, shall serve only the 10 residents and 11 employees allowed by this Use Permit.
- 36. This entitlement is not vested until all permit processing costs and development fees are paid in full.

37. The applicant shall maintain a minimum of 20 parking spaces on-site to serve the staff and visitors of the Large Community Care facility. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.

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

“In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County Permit Sonoma - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Permit Sonoma. Permit Sonoma staff may consult and/or notify the appropriate tribal representative from tribes known to Permit Sonoma to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of Permit Sonoma Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant’s sole expense.

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

Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans.

39. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require 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.

40. 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 conditions 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. 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.

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.

41. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if:
 - (a) the Board finds that there has been noncompliance with any of the conditions or
 - (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

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