

Resolution Number 24-12

County of Sonoma
Santa Rosa, California

September 19, 2024
PLP16-0054

Hannah Spencer

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING TO THE BOARD OF SUPERVISORS ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND APPROVAL OF A GENERAL PLAN AMENDMENT, ZONE CHANGE, AND USE PERMIT AS REQUESTED BY FORESTVILLE PLANNING ASSOCIATION, FOR PROPERTY LOCATED AT 6990 FRONT STREET AND 6720 HIGHWAY 116, FORESTVILLE CA; APNs 083-270-001 AND 083-270-002.

WHEREAS, the property owner, Forestville Planning Association, filed an application with the Sonoma County Permit and Resource Management Department requesting a Zone Change from the PC (Planned Community) zoning district to the PF (Public Facilities) zoning district, a General Plan Amendment from the LC (Limited Commercial) Land Use Designation to the PQP (Public and Quasi Public) Land Use Designation, and a phased Use Permit for a new public community park with public recreational amenities, 20 annual community events with a maximum of 200 attendees, and oak woodland and wetland preservation areas. Located at 6990 Front Street and 6720 Highway 116, Forestville CA; APNs 083-270-001 and 083-270-002. Supervisorial District No. 5 ("the Project"); and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review in accordance with the California Environmental Quality Act ("CEQA") and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on September 19, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Planning Commission recommends that the Board of Supervisors adopt the Mitigated Negative Declaration. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The project is consistent with the intent of the Public and Quasi Public (PQP) land use

designation of the General Plan. This category provides sites that serve the community, including community parks. Amendments to add this designation must be owned or operated by government agencies, non-profit entities, or public utilities; must have adequate road access, be consistent with any applicable land use policies for the Planning Area and involve lands that are not suitable for, or affect, resource production activities. The project property meets the PQP designation criteria as: the site is owned and operated by the Forestville Planning Association, a 501(c)(3) non-profit charitable corporation; the site has direct access off Highway 116; there are no Area or Specific Plans applicable to the site; the site is located in an Urban Service Area within downtown Forestville and has been managed as an unimproved community gathering space, as well as a trailhead to the West County since 2019. The previous subdivision project proposal File No. PLP07-0062 expired, however the General Plan and Zoning Database were updated to reflect the amendments requested under PLP07-0062, including General Plan Policy LU-15t which allows for a 51-unit density. Since 2013, the subject park property has been encumbered by a Conservation Easement recorded under O.R. #2013-110043 which prohibits residential, commercial and industrial use of the property. Therefore, the Policy LU-15t solely applies to APN 083-270-003.

2. The project is consistent with Zoning Code standards, as a community park is a conditionally permitted use at the proposed rezoned location.

The proposed General Plan Amendment from Planned Community to Public Facilities is in the public interest because it would facilitate the development of a project that is otherwise consistent with the policies of the General Plan and standards of the Zoning Ordinance. Specifically, the amendment will facilitate development of an urban open space with opportunities for public gathering and public recreational amenities, oak woodland and wetlands preservation areas, an improved trailhead to the Sonoma County West County Trail, a public restroom, bicycle parking spaces, and a relocated bus stop with a new shelter in downtown Forestville, for the benefit of the surrounding community.

3. The project is consistent with the requirements of CEQA. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because Mitigation Measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been prepared in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. The use, as conditioned, is consistent with the zoning district in which it is located.
 - b. The use, as conditioned, will not have an adverse environmental impact.
 - c. Based upon the information contained in the Initial Study included in the project file, all the mitigation measures have been identified and incorporated

into the project and/or the conditions of approval.

- d. The project includes development of an urban open space with opportunities for public gathering and recreational amenities, oak woodland and wetlands preservation areas, an improved trailhead to the Sonoma County West County Trail, a public restroom, bicycle parking spaces, and a relocated bus stop with a new shelter in downtown Forestville.
- e. The project will offer right-of-way to the State of California or the County of Sonoma, of sufficient width to accommodate the frontage improvements planned through the Forestville corridor.
- f. The project will pay traffic mitigation fees to help address area wide service needs.

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors approve the requested General Plan Amendment, Zone Change, and Use Permit subject to the conditions in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department "Permit Sonoma" addressed 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Ocana, who moved its adoption as recommended with modified conditions that require a minimum of 2 ADA parking spaces and loading signage for special events. Seconded by Commissioner Marquez, and adopted on roll call by the following vote:

Commissioner Carr	Absent
Commissioner Reed	Aye
Commissioner Ocana	Aye
Commissioner Marquez	Aye
Commissioner McCaffery	Aye

Ayes: 4 Noes: 0 Absent: 1 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

SONOMA COUNTY BOARD OF SUPERVISORS
Draft Conditions of Approval
Exhibit A

Staff:	Hannah Spencer	Date:	September 19, 2024
Applicant:	Lucy Hardcastle, FPA President	File No.:	PLP16-0054
Owner:	Forestville Planning Association	APN:	083-270-001, -002
Address:	6990 Front St. & 6720 Hwy 116, Forestville		

Project Description:

A Zone Change from PC (Planned Community) zoning district to the PF (Public Facilities) zoning district, General Plan Amendment from the LC (Limited Commercial) Land Use Designation to the PQP (Public and Quasi Public) Land Use Designation, and Use Permit with Design Review for a new public park to be completed in two phases. The project will provide urban open space with opportunities for public recreational amenities, including: a picnic area for 6 tables; an amphitheater with covered stage and sound wall; a plaza gathering area for up to 20 annual community events with a maximum of 200 attendees, ranging in duration from 1 hour to 6 hours long with amplified music and speech. The project site will be improved with pathways and sidewalks; 24 bicycle parking spaces at the West County Trailhead; a structure for public restrooms and storage; drinking fountain and seating; a parking lot for 17 vehicles and one ADA accessible space; drainage features; relocated bus stop with a new shelter; trash cans and trash storage area; information kiosk and donor plaque displays; oak woodland and wetlands preservation areas. Hours of operation will be Sunrise to Sunset, 7 days per week.

Event Type	Frequency	Estimated Number of Attendees	Amplified Music/Speech
Farmers' Market	Seasonal (16 weeks)	100-150	Yes
Christmas Tree Lighting	1 per year	100	Yes
Fundraisers	4 per year	50-150	Yes
Business Exposition	1 per year	100-150	Yes
School Field Trips	4 per year	20-40	No
Other Events (e.g. community events, flea markets, sponsored events)	4 to 9 per year	50-100	Yes (case by case basis)

Project Phasing

- Phase I (2 years) — Utilities, bus stop, sidewalk, and frontage improvements.
- Phase II (3 years) — Parking lot, picnic area and connecting pathways, gathering area and amphitheater, restroom / storage building and landscaping improvements.

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

FEES:

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,764.00 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a **total of \$2,814.00 made payable to Sonoma County Clerk** and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
2. Permit Processing and Development Fees. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. No grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
3. Condition Compliance Fee. At the time of submitting a building permit application, the applicant/operator shall submit to Permit Sonoma an Approved Permit Condition Compliance Review fee deposit of \$3,332.00 (or other amount consistent with the adopted fee schedule in effect at the time). In addition, the applicant/operator 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 occupancy being granted.
4. 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.

GENERAL:

5. This project shall be constructed and maintained in conformance with the project description and project plans located in File No. PLP16-0054, and as modified by these Conditions of Approval.
6. 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.
7. 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.

8. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
9. Project Phasing: Phase I construction shall be completed within 2 years after the date of Use Permit approval; Phase II construction shall be completed within 5 years after the date of Use Permit approval.
10. 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.
11. 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 PRMD 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 PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

PERMIT SONOMA BUILDING:

12. The applicant shall apply for and obtain building related permits from Permit Sonoma for the new assembly structure, public restrooms, parking area, bus stop, trail head and bike staging, music stage, gathering area and amphitheater, kiosk, gazebo, storage shed, outdoor seating and picnic areas, pathways, water feature, and associated site improvements. Construction inspections shall occur and the building permits finalized (or approved for occupancy) prior to occupancy of the new structures.

13. The project shall be designed and justified to meet or exceed all requirements of the currently applicable versions of the California Building Code (CBC), California Energy Code (CEC), California Plumbing Code, California Fire Code (CFC), California Mechanical Code (CMC), California Green Building Standards Code (CALGreen), the Sonoma County Code (SCC), and all applicable referenced standards within these documents.
14. The proposed Cover Sheet(s) for plan sets for the applicable Building Permit applications shall clearly state the proposed occupancy classifications, type of construction, proposed square footages, all intended uses, and be provided with a sheet index listing all sheets within the plan set.
15. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the uses for which the room or space will be occupied.
16. The foundation designs of all proposed structures shall be based on a geotechnical investigation, in accordance with CBC Sections 1803.3 through 1805.5. The written report of the geotechnical investigation shall be in accordance with CBC Section 1803.6.
17. Minimum plumbing facilities, per the California Plumbing Code (CPC), shall be provided for all proposed building and exterior areas, based on all proposed uses.
18. The California Business & Professions Code requires plans and calculations affecting structural elements to be prepared by California licensed design professionals (architects, engineers). The owner shall designate a registered design professional in responsible charge for the proposed construction. That individual shall be responsible for reviewing and coordinating submittal documents prepared by others.
19. If plan check comments are not adequately addressed during the first two rounds of plan check comments, additional plan check fees may be assessed on an hourly basis to continue the review and approval process subject to the discretion of the Plans Examiner.
20. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the CBC, as determined by the Permit Sonoma Building Division. Such accessibility requirements shall apply to all new construction, exterior routes of travel, accessible parking, and other accessible elements, **but in no case should less than 2 accessible parking spaces be provided.** Where more than one route **of travel** is provided, all routes must be accessible; although general circulation paths shall be permitted when located in close proximity to an accessible route.
21. All digital sheets of plans and all supporting documentation shall be stamped and signed by the responsible design professional(s), in accordance with the California Business and Professions Code requirements.

22. If any changes are made to plans, drawings, documents or specifications after the initial plan check has been approved, these changes shall be brought to a Permit Technician and the applicant will be routed to appropriate divisions within Permit Sonoma for review and approval prior to any construction or improvements. These changes shall be reviewed by all divisions involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change. Additional permit fees may be applied for proposed changes to any buildings use(s) and/or footprint, and additional plan check fees will be assessed on an hourly basis for review and approval of these changes.

PERMIT SONOMA PROJECT REVIEW-HEALTH:

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

23. Connection shall be made to public sewer and water. Prior to building permit issuance and vesting the Use Permit the applicant shall submit a "Will Serve Letter" for water and sewer to the Project Review Health Specialist to verify compliance, except for a connection to a County operated sewer system where clearance for the sewer will come from the PRMD Sanitation Section. Note that Will Serve Letters in contradiction of a moratorium by the appropriate regulating agency are not acceptable.

Consumer Protection:

24. 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.

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions. An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Noise:

25. Prior to the issuance of building permits, noise mitigations shall be photocopied from the Noise Study and the details attached to the building plans submitted for plan check.

Solid Waste:

26. 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 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance.

Vector Control:

27. 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 water feature. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:Noise:

28. Prior to building occupancy, the design and final construction of the sound Mitigation Measures must be approved in writing by the consultant. The Project Review Health Specialist shall receive a letter of clearance from the sound consultant regarding conformance with the design and final construction of the sound mitigations to the Sound Report requirements.

OPERATIONAL REQUIREMENTS:Water:

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

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 72 seconds in any hour.

31. Special events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 a.m. to 10:00 p.m.).

32. Project Phasing:

Phase 1: Amplified music and speech may be permitted with a separate annual periodic special event zoning permit(s) under County Code Chapter 26, section 26-22-120 allowing a maximum of 6 event days per year provided events comply with General Plan noise standards.

Phase 2: Amplified music and speech is permitted upon completion of Phase 2 construction and Mitigation Measure NOISE-1 (sound wall), when in compliance with Sonoma County General Plan, Policy NE-1c. All amplified music and speech is restricted to the amphitheater and stage.

33. 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:

34. 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.

PERMIT SONOMA SANITATION:

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

35. The Applicant shall construct any required water mains, sewer mains, and appurtenances to ensure that water and sewer supply facilities are installed subject to Forestville Water District rules and regulations. Plan check and inspection shall be by Forestville Water District for all mains and appurtenances under its ultimate ownership. Forestville Water District has determined that there is adequate water and sewer capacity as stated in their will-serve letter dated August 3, 2021.

36. Prior to the start of construction within any County Right-of-Way, the Applicant shall have a licensed general contractor in possession of a valid Public Road bond obtain an Encroachment Permit from the Permit and Resource Management Department (PRMD).
37. The Applicant shall obtain a permit to construct on-site sanitary sewer facilities, not under Forestville Water District ownership, prior to occupancy of the proposed bathrooms, or other structures connected to sewer. The sewer design, and construction, shall comply with the Sonoma County Water Agency Design and Construction Standards for Sanitation Facilities, and/or specific details, as shown on approved improvement plans. All sewer work shall be inspected and accepted by the Engineering Division of PRMD, prior to occupancy or temporary occupancy is approved for this project.
38. The Applicant shall be responsible for the restoration of existing conditions including, but not limited to surfacing, landscaping, utilities and other public improvements that have been disturbed due to the construction of sanitary sewer facilities. Restoration shall be completed prior to sewer permit final, unless otherwise specifically approved in advance by the Permit and Resource Management Department.
39. Prior to the start of construction within the State Right-of-Way of Highway 116, the Applicant shall have a licensed general contractor in possession of a valid Encroachment Permit. Encroachment Permits shall be issued by the Caltrans.

SONOMA COUNTY ENVIRONMENTAL HEALTH:

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

40. This property is in close proximity to nearby sites overseen by the North Coast Regional Water Quality Control Board (NCRWQCB).
- < 500 Ft from the CLOSED LUST site- Dave's Pit stop T0609792502
 - 500-1000 Ft from the CLOSED LUST site- Forestville BP T0609700277
 - 1000 Ft from the OPEN LUST site- Forestville Chevron T0609700043

Since there is drainage work and will likely be grading and drilling, the NCRWQCB should be consulted for any property developments or new water supply wells. Contact the NCRWQCB for more information at (707) 576-2220 or at northcoast@waterboards.ca.gov.

41. If the site participates in, or hosts, a special event that is two or more days, it must be approved as a community event. Community events require additional permits and inspections from this Department for the organizer as well as all food vendors.
42. If the site provides a kitchen or a concession area to prepare/store foods for retail sale. A Retail Food Facility Permit is required to store, prepare, package, serve or vend food. A review and

approval of the building plans will be required prior to issuance of a retail food facility permit to operate. Single day events do not require a permit from this department. Temporary food or concession service two days or longer must be associated with an approved special event with all associated planning and fire department approvals. Any mobile food/coffee trucks are required to be permitted and inspected by this department. Restrooms must be provided for any mobile truck who remain at the site for more than one hour.

43. Public events held in the unincorporated areas of Sonoma County are required to comply with Sonoma County Ordinance #5953 which prohibits smoking in public places. The ordinance does allow for the establishment of a Designated Smoking Area that meets criteria outlined in the ordinance. Criteria can be found at www.Sonoma-County.org/BreatheEasy under Overview and Background - Major Provisions.
44. All owners/operators, managers, supervisors, and employees who sell or serve alcoholic beverages shall complete Responsible Beverage Service (RBS) Training within 90 days from issuance of a new permit and every third year thereafter. All servers/sellers of alcohol hired after the initial 90 day period shall complete the training course within 60 days of employment and every third year thereafter. If alcohol is to be served at special events, all employees and volunteers shall complete special event RBS training prior to the event.

The RBS Training shall meet the standards of the State of California, Department of Alcoholic Beverage Control or other certifying/ licensing body which the State may designate. Records of successful completion for each owner/operator, manager, supervisor, employee and volunteer shall be maintained on the premises and shall be presented upon request by a representative of the County or local law enforcement agency.

45. As of June 1, 2012 smoking is no longer allowed in outdoor dining areas. This includes picnic areas, sidewalks, and any area available to, or customarily used by, the general public or an employee that is intended or regularly used for consuming food or drink. A business with an unenclosed dining area may establish a designated smoking area elsewhere on the premises if it meets the criteria outlined in the County Smoking Ordinance #5953.

A designated smoking area is a portion of an unenclosed area where smoking may be allowed. It must meet all of the following criteria:

- It must be located at least 25 feet in any direction from any operable doorway, window, vent or other opening into an enclosed area.
- It must be located at least 25 feet in any direction from any space that is designated as "smoke- free".
- It must be located at least 25 feet from unenclosed recreational areas that are primarily used by children and/or areas that have improvements that facilitate physical activity including playgrounds, tennis courts, swimming pools, walking paths, and sports fields.
- It must be no more than five percent (5%) of the total unenclosed area for which it is

- designated.
- It must be clearly identified by conspicuous signs and have ash receptacles, such as ash trays or ash cans, within the area for proper disposal of smoking waste.

SONOMA PUBLIC INFRASTRUCTURE:

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

State Highways:

46. This proposal accesses the public road system using a road under State of California jurisdiction. If State of California (Caltrans) determines that improvements to the roadway are necessary, the Applicant shall obtain a State of California Encroachment Permit before making any improvements, including driveway, within State highway right of way.

Right of Way Requirements:

47. The Applicant shall offer right-of-way to the State of California or the County of Sonoma, free of encumbrances, and of sufficient width to accommodate the frontage improvements planned through the Forestville corridor (Forestville ATP).
48. The Applicant shall dedicate the right-of-way and/or sidewalk easement to the State of California, free of encumbrances, and of sufficient width to create public right-of-way and or sidewalk easements necessary to accommodate the Forestville ATP for the full length of the property's frontage on State Highway 116. However if the Applicant can demonstrate in writing that the State will not or cannot accept the right-of-way dedication, then the Applicant shall dedicate right-of-way to the County as an irrevocable offer of roadway and/or sidewalk easement. The Applicant shall have prepared an easement deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded deed shall be submitted to the Land Development Section of Permit Sonoma (PRMD) prior to clearance of these conditions. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s).

Required Improvements:

49. The Applicant shall construct or install asphalt concrete (AC) dike or another treatment to control vehicular access along the parcel's frontage along State Route 116, subject to Caltrans approval. This treatment shall limit access to the property to the conditioned driveway entry only. The treatment shall be an interim measure until such time as the County frontage improvements planned through the Forestville corridor (Forestville ATP) are constructed.

Intersections of Roads and Driveways:

50. The Applicant shall continue coordination with County Department of Transportation and Public Works (DTPW) with regards to the frontage improvements planned through the Forestville corridor (Forestville ATP).

51. The Applicant shall construct a ramp type driveway entry with a minimum width of twenty-four (24) feet in coordination with the Forestville ATP and in the location shown on the site plan prepared by Balcerak Design and dated December 11, 2020. The ramp type driveway shall be designed in accordance with County Standard 808 and located to allow sidewalk connectivity with minimal utility vault adjustments.
52. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum County required sight distance at each driveway.
53. The Applicant shall 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 County required sight distance at any project driveway where it intersects a public roadway.

Traffic Safety Gate Setback:

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

Traffic Control Devices:

55. The Applicant shall allow installation of traffic control devices as required by the Department of Transportation and Public Works with regards to the frontage improvements planned through the Forestville corridor (Forestville ATP), including items such as traffic signs, roadway striping, pavement markers, etc.

Processing:

56. The Applicant shall obtain an Encroachment Permit issued by the State of California (Caltrans) prior to constructing any improvements within State road right-of-way.
57. The Applicant shall provide County with Caltrans approved final plans for any frontage and driveway work permitted by the State in order to facilitate the Forestville ATP coordination.

Completion of Required Improvements:

58. The Applicant shall complete construction of all the required public improvements prior to occupancy of any new building which results from this application.

PERMIT SONOMA FIRE PREVENTION:

"The conditions below have been satisfied BY _____ DATE _____

59. Permitting or development approval is subject to the Sonoma County Fire Safety Ordinance (Sonoma County Code). All applications for development approvals must be approved by the Sonoma County Fire Marshal, and shall be accompanied by: plans, engineering calculations, and

other data necessary to determine compliance with the provisions of the codes, and shall be in compliance with the following conditions:

(Ref. California Code of Regulations Title-14, Division 1.5, Chapter 7, Subchapter 2, Articles 1 – 5, & Sonoma County Code Chapter 13, Article IV, Section 13-17 & Sonoma County Code Chapter 13, Article V, Division A, Section 13-24)

- a. Buildings with a change in use/occupancy may be required to have an NFPA automatic sprinkler system installed. CFC Sec. 102.3 and 903.2.
- b. Fire Site Evaluation is required due to it being located in the SRA/LRA and the conditions may be revised after the evaluation is completed. Contact Steve.Mosiurchak@sonoma-county.org or Charles.Rivers@sonoma-county.org to make an appointment.

60. The subject property (or properties) must be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations prior to occupancy of the buildings and use of the property without written approval by the fire code official.

- a. A fire inspection shall be conducted by the Sonoma County Fire Prevention Division to determine if the subject property (or properties) is currently in full compliance with applicable Building Code regulations, Fire Code Regulations and Hazardous Materials regulations.
- b. The Sonoma County Fire Prevention Division may charge and collect a fee for the inspection in an amount, as determined by the county, sufficient to pay its costs of that inspection.

Operational Permits

61. Applicable Fire Code operational permits shall be obtained prior to the initiation of any activity where an operational permit is required by the California Fire Code as adopted and amended by Sonoma County Code.

62. An annual fire safety inspection is required for any facility requiring a Fire Code Operational Permit. The county or fire district which inspects the facility may charge and collect a fee for the inspection from the owner of the facility in an amount, as determined by the county or fire district, sufficient to pay its costs of that inspection.

Emergency Planning and Response

63. The facility operator shall develop an emergency response plan consistent with Chapter 4 of the 2019 California Fire Code as adopted and amended by Sonoma County Code. Fire safety plans, emergency procedures, and employee training programs shall be approved by the fire code official.

Access

64. To facilitate locating an emergency and to avoid delays in response; all existing and newly constructed or approved roadways and buildings whether public or private shall provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during an emergency, and shall be constructed and maintained

as required by Sonoma County Fire Safe Standards and the California Fire Code, as adopted and amended by Sonoma County Code.

Water Supply

65. Emergency water supply for fire protection shall be available and accessible in locations, quantities and delivery rates as specified in the California Fire Code, as adopted and amended by Sonoma County Code.
- a. Fire hydrants shall be installed as required by the California Fire Code as adopted and amended by Sonoma County Code.
 - b. Emergency water supply for fire suppression may be provided in a naturally occurring or manmade containment structure for projects not served by a municipal water system, as long as the specified quantity and delivery rate is immediately provided.

Vegetation Management

66. To reduce the intensity of a conflagration by the installation of building fire protection features, the proposed project shall be in accordance with the California Fire Code as adopted and amended by Sonoma County Code and Sonoma County Fire Safe Standards.

Occupancy

67. 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 GRADING AND STORM WATER SECTION:

"The conditions below have been satisfied BY _____ DATE _____

68. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
69. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma). The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.
70. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Management Design Manual. Drainage improvements shall be shown on the grading/site plans and be submitted to

the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with Permit and Resource Management Department's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.

71. The applicant shall 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 shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout. If a public agency takes full responsibility for the project, then the work will be exempt from a separate grading permit per Sonoma County Code Sections 11.04.010(C.15-17), however, grading requirements will still apply & grading plans will be submitted & reviewed with the building permit application.
72. As part of the grading plans, the applicant shall 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, 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 shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
73. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall 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 shall not be permitted to enter the storm drain system without receiving appropriate treatment.
74. Grading and land disturbance shall be setback from wetlands a minimum of 50 feet unless a wetlands report recommends a lesser or greater setback.
75. Before construction may begin near a wetland, a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent

to the wetland. The protective construction fence shall be shown and noted on the grading/site plans.

76. Drainage easements are required when conveying storm water runoff through any neighboring properties. Drainage easements shall be clearly shown and noted on the grading/site plans. The applicant shall be responsible for obtaining or creating drainage easements necessary for the proposed project prior to grading or building permit issuance. Any proposed drainage easements shall be private easements unless otherwise approved by the Department of Transportation and Public Works.
77. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.
78. The applicant is responsible to contact the California Department of Transportation and obtain any necessary permits or waivers for proposed work within Highway 116. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for work adjacent to Highway 116.
79. The applicant is responsible to contact the U.S. Army Corps of Engineers and obtain any necessary permits or waivers for proposed work in or near a wetland or navigable waters. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for work within 25 feet of a wetland or navigable waters.

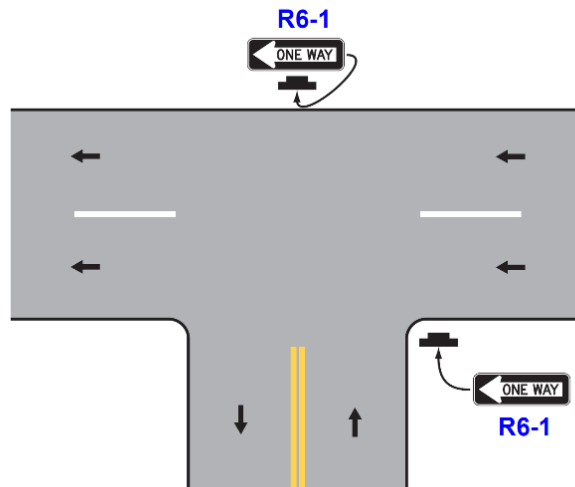
CALIFORNIA DEPARTMENT OF TRANSPORTATION:

"The conditions below have been satisfied BY _____ DATE _____

80. Driveway should conform to HDM and Caltrans encroachment permit standards. The Cal truck turning template should be provided to demonstrate the largest truck access onto the project driveway.
81. **Project Driveway.** Please submit roadway plans for Caltrans to review and consider using postmile to identify the location. Sight distance from the driveway should be checked per Highway Design Manual Procedure. Also, please clarify how vehicles will be prevented from left in/left out to/from the driveway.

The project applicant shall install the ONE WAY sign (R6-1) (Right Turn) below as showed in Figure. 2B-14 of California Manual on Uniform Traffic Control Devices (MUTCD) at the exit

corner of the driveway on the right and at the median through the encroachment permit process. Please review the MUTCD ([link](#)) for more detailed information.



82. If any lane closures are planned on the State highway during construction work, please submit lane closure hours to Caltrans for review.
83. **Construction-Related Impacts.** Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Please note that Caltrans has proposed a safety project on SR-116 at Green Valley Road intersection. It proposes to install a fully actuated traffic signal system or construct a roundabout to reduce the number of collisions. Construction is scheduled to begin in winter 2026. Though the safety project is relatively distant from this proposed project, potential coordination might be needed.

84. **Equitable Access.** If any Caltrans facilities are impacted by the project, those facilities must meet ADA Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.
85. **Encroachment Permit.** Any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (ROW) requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment

Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)). Please note that the checklist TR-0416 is used to determine the appropriate Caltrans review process for encroachment projects. Your application package may be emailed to D4Permits@dot.ca.gov.

Hydraulics

86. Any increase in runoff that drains towards the State ROW should be metered to pre-construction levels.

Utilities

87. Any utilities that are proposed, moved or modified within Caltrans' Right-of-Way (ROW) shall be discussed. If utilities are impacted by the project, provide site plans that show the location of existing and/or proposed utilities.

PERMIT SONOMA PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

88. Restrooms:

All events shall be supported by Porta-potties, as specified below, in lieu of the permanent public restrooms until completion of Phase II park construction is complete.

Phase I: Provide at least one portable toilet per 100 people and as specified in policy 9-2-31 (attached). Portable toilets must be serviced by a licensed company. Portable toilets shall be equipped with hand washing sinks at a ratio of one hand washing sink for every six (6) toilets. Sinks shall be stocked with liquid soap, single use towels, and a trash container for towel waste. Accessible portable toilets shall be provided at a rate of 5% (but not less than one) at each location that portable toilets are placed.

Phase II: Final occupancy on the public restroom construction shall be obtained prior to commencing uses allowed under Phase II of the Use Permit.

89. Coordination between the Sonoma County Department of Transportation and Public Works (DTPW) improvements on State Highway 116 along the frontage of the project site and the proposed park improvements shall occur to ensure that any potential conflicts between the

Caltrans/DTPW and park plans are resolved and recommendations that are agreed upon are incorporated into the project.

90. The project shall reduce greenhouse gas emissions with the implementation of the following measures:

- West County Trail — provides pedestrian, bicycle and horseback trail access to Sebastopol, Graton and surrounding unincorporated areas.
- Bicycle Racks — 24 bike parking spaces/racks are integrated into the park and West County Trailhead development plan.
- County Bus Stop and Shelter — the park is accessible via Sonoma County Transit Route 20 bus stop located adjacent to park and State Hwy. 116.
- Restroom / Storage Building Energy Conservation — energy conservation measures are integral to the building design.
- Solid Waste — separate refuse and recycling containers are proposed.
- Water conservation — water conserving fixtures shall be installed throughout park and restroom structures.
- Signage and Public Information — FPA will erect informational sign(s) that describes the OSD Conservation Easement protections, acquisition funding and the County Regional Park development trail funding. This will build community GHG awareness about the OSD's land and oak woodland preservation programs.

PRIOR TO GRADING AND BUILDING PERMITS:

91. The applicant shall obtain authorization from Sonoma County Agricultural Preservation and Open Space District prior to completing final design review, obtaining grading and building permits, and installing sign(s) and exterior lighting.
92. Prior to issuance of building permits, Exterior Lighting fixtures submitted to Permit Sonoma, shall include the following elements: (1) low mounted, downward casting exterior lighting that is fully shielded to prevent glare; (2) exterior lighting that is Dark Sky Compliant; (3) exterior lighting that is not located at the periphery of the property and which does not spill over onto adjacent properties or into the sky; (4) no flood lights ; (5) all parking lot and street lights are full cut-off fixtures; and (6) any security lighting is motion-sensor activated.
93. 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.

94. Landscaping. All proposed landscaping is subject to compliance with the Sonoma County Water Efficiency Landscape Ordinance (WELO). 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.

CONSTRUCTION PHASE:

95. This project shall be constructed and maintained in conformance with the project description and plans submitted with the application, and as modified by these Conditions of Approval.
96. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
97. NOTE ON PLANS: "During construction activities, noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect 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. Construction activities for this project shall be restricted as follows:
- a. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
 - b. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the Permit Sonoma Project Review Division as soon as practical.
 - c. There will be no start-up of machines nor equipment prior to 7:00 a.m., Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 am. nor past 7:00 pm., Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.

- d. Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- e. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- f. The applicant shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Manager's phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem."

98. Planning Inspection.

The applicant shall notify the Project Planner when construction is complete and landscaping and irrigation have been installed. The purpose of the planning site inspection is to ensure that site development has been accomplished in accordance with approved plans and conditions of approval. Alternately, the applicant may provide photos demonstrating compliance at the discretion of the Project Planner.

OPERATIONAL:

99. Customer and Site Visitor Management.

The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, and other public or quasi-public areas within site of the premises during business hours. Prior to commencement of event uses allowed by the Use Permit, the applicant shall provide an event parking management plan to Permit Sonoma which shall include provisions for temporary signage for a specified loading and unloading area(s).

100. Trash, Litter, and Graffiti.

- a. At least twice a week, the operator of the establishment shall remove trash, litter, and debris from the sidewalks adjoining the premises as well as any parking lots under the control of the operator.
- b. The operator of the establishment shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
- c. Trash can only be disposed in exterior dumpsters between the hours of 8:00 a.m. and 8:00 p.m.

MITIGATION MEASURES**101. Mitigation VIS-1:**

Prior to issuance of building permits, the project site plan, building elevations, colors and materials, signage, lighting plan, landscaping and irrigation plans shall be submitted for design review by Permit Sonoma or the Design Review Committee.

Mitigation Monitoring VIS-1:

The Permit and Resource Management Department shall not issue the Building Permit until the project site plan, building elevations, colors and materials, signage, lighting plan, landscaping and irrigation plan has been submitted that is consistent with the approved plans and County standards. Permit Sonoma shall not sign off final occupancy on the Building Permit until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions.

102. Mitigation Measure AIR-1:

The following dust control measures shall be included in the project:

- a. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.

103. Mitigation Monitoring AIR-1:

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above notes are printed on all construction plans including plans for building and grading.

104. Mitigation Measure BIO-1:

The following measures 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 (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) 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. In addition, the qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest on the project site. Surveys shall be conducted at the appropriate times of day during periods of peak activity (e.g., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted on the project site and within 100 feet of the construction limits for nesting non-raptors and 500 feet for nesting raptors, as feasible. 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 take place within 100 feet of non-raptor nests and 500 feet of raptor nests. 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 construction activity, as determined by the qualified biologist, shall be monitored daily during the duration of project construction 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. Following completion of pre-construction nesting bird surveys (if required), a report of the findings shall 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.

- (d) Specifically, with regards to potential burrowing owl wintering habitat in the remnant annual/perennial grasslands and else-where on the project site, a pre-wintering season survey shall be conducted by a qualified biologist during any year in which construction activities will occur between September 1 and January 31 following the 2012 CDFW Staff Report on Burrowing Owl Mitigation focusing on vegetation type and height, suitable burrows (with an opening of 11 cm in diameter and a depth greater than 150 cm, burrow surrogates culverts, piles of concrete, rubble, piles of soil, pipes, etc.) and the presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material, and the presence of burrowing owl individuals or pairs. If evidence of burrowing owls is detected, the locations shall be mapped and Permit Sonoma and CDFW shall be contacted to determine if additional mitigation measures are needed to avoid impacts on the species.

Mitigation Monitoring BIO-1:

Permit Sonoma staff will not issue permits for ground disturbing activities between February 1st and August 31st until the site has been surveyed by a qualified biologist to ensure proper fencing and buffers are in place prior to issuance.

105.

Mitigation Measure BIO-2:

Bat Protection: Prior to any tree or building removal, a qualified bat biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 days prior to tree or building removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, or exfoliating bark for colonial species, and suitable canopy for foliage-roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. Trees may be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable bat habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified bat biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or complete visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under direct supervision and instruction by a qualified bat biologist with experience conducting two-step tree removal limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with

cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

Mitigation Monitoring BIO-2:

Permit Sonoma shall include this mitigation measure in the conditions of approval for any planning, grading and building permits. Permit Sonoma staff shall ensure the results of the bat habitat assessment have been submitted to CDFW for written acceptance prior to starting Project activities.

106. **Mitigation Measure BIO-3:**

The applicant shall obtain authorization from the Army Corp of Engineers' and other applicable agency's permits. Construction activities shall include the use of temporary fencing and water quality controls to protect the aquatic features onsite.

Mitigation Monitoring BIO-3:

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until clearance from the Army Corp of Engineer's and other applicable agencies or proof of permitting is provided.

107. **Mitigation Measure BIO-4:**

The applicant shall identify in final project plans the 40-foot setback from the seasonal wetlands for construction activities associated with the project. Construction activities will include the use of temporary fencing and water quality controls to protect these features.

Mitigation Monitoring BIO-4:

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the 40-foot wetlands setback is identified on the building, grading, and improvement plans or proof of exception is provided.

108. **Mitigation Measure BIO-5:**

Prior to the issuance of building permits, grading permits, or advertising for construction bids, and appropriate disposal site shall be identified. The contractor will be required to provide evidence to the County that the site does not affect wetlands or other protected resources such as trees. Surplus concrete rubble or pavement that cannot be reused at the project site shall either be disposed of at an acceptable and legally permitted disposal site or taken to a permitted concrete and/or asphalt recycling facility.

Mitigation Monitoring BIO-5:

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until contractor provides evidence of appropriate disposal locations and plans.

109. **Mitigation Measure BIO- 6:**

The applicant shall provide a final landscape plan demonstrating compliance with the County's Tree Protection and Valley Oak Habitat and Oak Woodland Ordinances, including tree protection and replacements consistent with Ordinance requirements.

Mitigation Monitoring BIO-6:

The applicant shall provide the final landscape plan prior to issuance of a grading permit, with tree plantings confirmed by Permit Sonoma site inspection prior to issuance of an occupancy permit.

110. **Mitigation Measure NOISE-1:**

The applicant shall construct a sound wall around the edge of the stage. The stage should be enclosed with a solid wall at the rear of the stage and continuing at least 15 feet on either side of the stage. The northwest angle of the amphitheater shall be 15 degrees west, in conjunction with a wall along the back of the stage that is solid from ground to overhang to reduce noise levels at the adjacent residences to levels meeting the County's 49 dBA L50 threshold. The front of the stage shall remain open to the amphitheater seating area. Three-foot access doors can be installed into either side of the stage's wall-assembly for stage access purposes. The height of the walls shall be at least 6 feet from the floor of the stage. The wall along the back of the stage shall be solid from ground to overhang, with no cracks or gaps. Implementation of this mitigation shall allow events with amplified music and speech to operate year round.

Mitigation Monitoring NOISE-1:

Final design, location, and orientation shall be dictated by findings in the noise study and compliance with County code shall be demonstrated by an onsite noise measurement, with results submitted to Permit Sonoma, prior to issuance of occupancy permit.

111. **Mitigation Measure NOISE-2:**

Noise generated from the event uses onsite shall comply with General Plan Noise Standards. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then staff shall visit site to determine if the wall along the back of the stage has no cracks or gaps and/or whether improvements to the wall are required.

Mitigation Monitoring NOISE-2:

If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then staff shall visit site to determine if the wall along

the back of the stage has no cracks or gaps and/or whether improvements to the wall are required. Appropriate action shall be taken to ensure that this Mitigation Measure is implemented to meet the NE-2 noise standards.

112. **Mitigation Measure Tribal Cultural Resources-1:**

A Tribal Monitor from the Federated Indians of Graton Rancheria, or in the event a tribal monitor is not available, an archaeological monitor approved by the Federated Indians of Graton Rancheria shall be retained to be on site to monitor all project-related ground disturbing construction activities (i.e., grading, excavation, potholing, etc.) within previously undisturbed soils. In the event the Tribal Monitor identifies tribal cultural resources, the monitor shall be given the authority to temporarily halt construction in the immediate vicinity and within 50 feet of the discovery and to determine if it is a tribal cultural resource under CEQA in consultation with Permit Sonoma and, if necessary, the qualified archaeologist. Construction activities can continue in areas at least 50 feet away from the find and not associated with the cultural resource location. If the discovery proves to be significant, additional work such as testing or data recovery may be warranted. Any resources found should be treated with appropriate dignity and respect. At the completion of monitoring activities, all artifacts of Native American origin shall be returned to the culturally affiliated tribe through the tribal monitor.

Mitigation Monitoring Tribal Cultural Resources-1:

Prior to issuance of building or grading permits, the applicant shall provide appropriate agreements with the Federated Indians of Graton Rancheria, or if unavailable an archaeological firm accepted by the Federated Indians of Graton Rancheria to Permit Sonoma for review and approval. Mitigation Measure TCR-1 shall be listed as a note on all grading and building plan sheets submitted for permitting. Prior to final inspections and use permit certificate issuance the applicant shall provide documentation in writing including photos demonstrating that the mitigation was implemented during construction activities.